

USAWC STRATEGY RESEARCH PROJECT

**Is the United Nation's Current Policy in Iraq Effective?  
Evaluation of Economic Sanctions and the 'Oil-for-Food' Program**

By

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## EXECUTIVE SUMMARY

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### Problem Statement:

The United Nations policy toward Iraq, consisting of economic sanctions and what has come to be known as the Oil for Food program, is flawed – it does not meet either the national security objectives or the humanitarian objectives it was set out to accomplish.

Saddam Hussein is still a threat and the Oil for Food program, the largest humanitarian program ever administered by the United Nations (UN), has done little to stop the widespread suffering of the Iraqi people.

On one hand, the policy is evaluated on its success or failure in terms of national security by the United States Administration and a number of prominent U.S. think-tanks. On the other hand, it is evaluated based on its success or failure as humanitarian intervention by the International Committee of the Red Cross, the World Health Organization, the World Food Program, and a number of non-governmental organizations. Conclusions are based on the respective 'frame of reference' thereby polarizing the issue.

A comprehensive policy for Iraq must address both national security and humanitarian concerns if it is to be successful. Politics and humanitarian intervention cannot be separated.

### Methodology:

The research team analyzed the current UN policy for Iraq and two leading alternatives which represented either a national security perspective or a humanitarian intervention perspective. From a national security perspective, we analyzed the alternative presented by Anthony Cordesman, Senior Fellow and Co-Director, Center for Strategic & International Studies (CSIS) Middle East Studies Program. From the humanitarian intervention perspective, we analyzed the alternative presented by Denis J. Halliday, former coordinator of the Oil for Food program at the UN. Finally, we construct and analyze an alternative policy and develop it into a feasible course of action. Figure 1 summarizes the current policy along with Cordesman's and Halliday's alternatives.

**Figure 1 – Current Policy and Alternatives**

| CURRENT   | CORDESMAN   | HALLIDAY   |
|---|---|--|
| UNSCR 661<br>- economic sanctions<br>UNSCR 687<br>- destruction of WMD<br>- monitoring and verification<br>- not acquire or develop nuclear weapons<br>UNSCR 686<br>- allows sale of oil for humanitarian supplies, administered by UN<br>- 25% of money for reparations<br>- requires fulfillment of 661 and 687<br>IRAQ LIBERATION ACT<br>- removal of Saddam Hussein<br>- assistance to opposition groups (\$97 million) | - Maintain sanctions<br>- Make existing system work<br>- Keep focus on what matters, meaningful technology and arms transfers<br>- Seriously encourage overthrow of Saddam Hussein’s regime<br>- Win the propaganda war<br>- Understand counter proliferation is a battle of perception<br>- Use diplomacy wisely<br>- Maintain UNSCOM and IAEA inspections as long as possible<br>- Maintain and improve US military options to strike Iraq<br>- Restructure US forces to attack, defeat, and retaliate<br>- Lay groundwork for post-sanction UNSCOM monitoring activity<br>Or UNMOVIC | - Impose ‘smart’ sanctions<br>- Re-establish WMD inspections<br>- Re-open dialogue<br>- Lift economic sanctions, to include capital investment to provide a ‘carrot’<br>- Release oil production equipment on hold<br>- Postpone payments of reparations<br>- Facilitate capital investment<br>- Encourage overseas visits and study by Iraqi students<br>- Invite Iraqi participation in the regional Middle East community of nations<br>- Terminate the US/UK ‘no fly zones’ and respect restraints of the Security Council |

National security and humanitarian intervention criteria were determined utilizing the objectives outlined in the UN resolutions relating to sanctions and the Oil for Food program, stated U.S. objectives, and a humanitarian intervention framework developed by Oliver Ramsbotham in his book *Humanitarian Intervention in Contemporary Conflict*. These represent a general consensus among not only those who advocate various forms of humanitarian intervention, but those who oppose such intervention. Figure 2 evaluates the current policy and the alternatives based on the established criteria.

**Figure 2 – Current Policy and Alternatives Evaluation Based on Established Criteria**

| CRITERIA                                     | MEETS OBJECTIVES (Yes/No) |          |           |
|--|---------------------------|----------|-----------|
|  | CURRENT                   | HALLIDAY | CORDESMAN |
| National Security:                           |                           |          |           |
| - Limit Proliferation                        | Y                         | N        | Y         |
| - Reduction of WMD                           | ?                         | N        | Y         |
| - Containment                                | Y                         | N        | Y         |
| - Removal of Saddam Hussein                  | N                         | N        | ?         |
| - Regional Stability                         | Y                         | N        | Y         |
| - Sustain International and Domestic Support | N                         | ?        | ?         |
| Humanitarian Intervention:                   |                           |          |           |
| - Humanitarian Cause                         | N                         | Y        | N         |
| - Humanitarian End                           | N                         | Y        | N         |
| - Humanitarian Approach                      | N                         | Y        | N         |
| - Humanitarian Means                         | N                         | Y        | N         |
| - Humanitarian Outcome                       | N                         | ?        | ?         |
| - Humanitarian Universality                  | N                         | Y        | ?         |

\* Y = meets criteria, N = does not meet criteria, ? = unknown/undetermined

Findings:

The current policy does not meet the majority of established national security or humanitarian intervention criteria established. The significant alternatives analyzed demonstrate a major polarity in either meeting the national security criteria or the human intervention criteria.

Recommendation:

A recommendation is presented as a feasible course of action that meets the major national security and humanitarian intervention criteria, and is, in part, a compromise to the two alternatives reviewed. Figure 3 summarizes the major points of this construct. Figure 4 evaluates this recommendation based on criteria established.

| <b>Figure 3 - Policy Recommendation Main Points</b>  |
|--|
| <ul style="list-style-type: none"><li>◆ Lift all economic and political sanctions in return for Iraqi compliance with the terms of the UN cease-fire, requiring full Iraqi compliance in providing reparations and the recognition by Iraq of its new borders with a sovereign Kuwait</li><li>◆ Keep in place sanctions that prevent the import of any items to enhance or grow the Iraqi military machine and WMD program. Restrict flow of technology that can be applied to WMD. Develop an export control process that limits Iraq's importation of specific goods.</li><li>◆ Allow unlimited production of oil while diverting a sufficient amount of money to pay applicable war reparations (Kuwait, etc.)</li><li>◆ Permit foreign countries to enter into Iraq to fulfill contracts for business within the country, especially the U.S. Belief in the positive influence of private investment – companies help advance their social, political, and economic institutions.</li><li>◆ Insist on the insertion of UNMOVIC to monitor the WMD program within Iraq. In addition, if UNMOVIC is allowed to enter country, no-fly/no-drive zones will be lifted.</li><li>◆ Grant amnesty for everyone in the Iraqi government (except Saddam) when a new regime comes to power.</li><li>◆ Support Iraq territorial integrity and unity (to dispel belief we want to break it up).</li><li>◆ Establish UN human rights monitors.</li><li>◆ Flood Iraq with humanitarian goods. Proportion a specified amount of money to the ICRC, or any other objective non-government organization – for humanitarian goods and distribution, to include infrastructure (hospital, water/sanitation, etc).</li><li>◆ Increase, re-energize diplomacy (preventive, forward thinking).</li><li>◆ Rescind the Iraq Liberation Act – get out of internal politics in Iraq.</li><li>◆ Promote America's central themes – democracy, freedom, human rights.</li><li>◆ Win the 'public relations' battle against Hussein...increase diplomacy with allies.</li><li>◆ Require full accountability of all Kuwait prisoners of war (POWs) from the Gulf War.</li><li>◆ Iraq renounce any territorial claim to Kuwait.</li><li>◆ Allow Iraqi citizens to study abroad.</li></ul> |

**Figure 4 – Recommendation Evaluation Based on Established Criteria**

| CRITERIA                                     | RECOMMENDATION* |
|--|-----------------|
| National Security:                           |                 |
| - Limit Proliferation                        | Y               |
| - Reduction of WMD                           | Y               |
| - Containment                                | Y               |
| - Removal of Saddam Hussein                  | N               |
| - Regional Stability                         | Y               |
| - Sustain International and Domestic Support | Y               |
| Humanitarian Intervention:                   |                 |
| - Humanitarian Cause                         | Y               |
| - Humanitarian End                           | Y               |
| - Humanitarian Approach                      | Y               |
| - Humanitarian Means                         | Y               |
| - Humanitarian Outcome                       | Y               |
| - Humanitarian Universality                  | ?               |

\* Y = meets criteria, N = does not meet criteria, ? = unknown/undetermined

Simply, we believe that maintaining economic sanctions in Iraq is counterproductive to the U.S. long term goal – influence in the region. Sanctions and the Oil for Food program have had two main effects: (1) they have allowed Saddam Hussein to use them as a propaganda tool against the U.S. thus developing a generation of hatred toward the West, which we will have to deal with for years to come, and (2) they do not meet our national security objectives.

A new policy toward Iraq is needed. Ending economic sanctions, maintaining “smart” sanctions on items that will enhance or grow Iraqi’s military and technology that can be used for weapons of mass destruction (WMD), and establishing a policy of ‘conditional engagement’ will meet our national security objectives. With economic sanctions ended, the UN can begin to improve the humanitarian crisis in Iraq without being seen as causing the suffering. Using the lifting of sanctions as a carrot, Iraq may be open to additional humanitarian assistance, and oversight by humanitarian organizations.

## SECTION I

### INTRODUCTION

*“On a day like this day 10 years ago, evil and all those who made Satan their protector lined up in one place, facing those who resented the will to defend what is right. Iraq has remained, the people have remained, the army has remained...Iraq has triumphed over the enemies of the nation.”*  
*Saddam Hussein, Jan 17, 2001<sup>1</sup>*

Ten years ago, President George Bush ordered U.S. troops into the Persian Gulf in response to Iraq’s invasion and occupation of Kuwait. At the end of the Gulf War in 1991, the UN imposed sanctions on Iraq (UN Security Council Resolution (UNSCR) 661 (Appendix 1) until the provisions of UNSCR 687 (Appendix 2) were complied with, mainly the certification that Iraq has destroyed all of its weapons of mass destruction (WMD). In 1991, the UN expressed grave concern over the humanitarian situation and proposed a number of various measures that would allow Iraq to sell limited quantities of oil to meet the basic needs while the sanctions remained in place. Iraq refused all offers. Over the following five years there was widespread suffering, food shortages, an absence of essential medicines and a general deterioration in essential social services. <sup>2</sup>

In 1996, the UN established the Oil for Food program which allowed Iraq to sell oil for the purchase of goods essential for the humanitarian needs of the Iraqi people. Weapons inspections in Iraq, conducted by The United Nations Special Commission (UNSCOM), stopped prior to the December 1998 bombing of Iraq. Inspections have not been resumed while sanctions and the Oil for Food program remain in effect.

Is the policy successful? Sanctions have kept Saddam “in his box”, the Oil for Food program has allowed him to blame the UN for doing little to stop the widespread suffering and

deprivation of his people. In addition, Saddam has not allowed weapons inspectors inside Iraq for the last two years and support for the economic embargo on the international front is wavering.

Today, President George W. Bush and the new administration have an opportunity to revisit the policy in the Persian Gulf and plan a strategy that works.

## **Purpose**

This paper reviews the current sanctions and Oil for Food policy in Iraq from a national security and humanitarian intervention perspective, analyzes leading alternatives from Anthony Cordesman, Senior Fellow and Co-Director, Center for Strategic & International Studies (CSIS) Middle East Studies Program, and Denis J. Halliday, former coordinator of the Oil for Food program at the UN, and makes recommendations for future policy. Our assumption is that national security interests and humanitarian interests must both be considered in analyzing the current policy and future alternatives.

## **Methodology**

Methodology consisted of a critical review of the literature pertinent to the UN's sanctions policy and the Oil for Food program along with the evaluation of two leading alternatives against established criteria. National security criteria were determined utilizing objectives set forth in UNSCR 687, the cease-fire resolution of 1991, and the Iraq Liberation Act of 1998, section 3. In addition, when analyzing the current policy, UNSCR 986, the Oil for Food program criteria is utilized. Humanitarian intervention criteria were determined utilizing a framework presented by Oliver Ramsbotham, author of *Humanitarian Intervention in Contemporary Conflict*, which "represents a general consensus among not only those who advocate various forms of humanitarian intervention, but also those who oppose such intervention."<sup>3</sup> Interviews were conducted with key agencies where feasible.

## **Organization**

This paper is organized into three main sections. Section I sets the scene for subsequent analysis. We review the current sanctions and Oil for Food policy, develop a problem statement, and establish national security and humanitarian intervention criteria for policy analysis in subsequent sections. In Section II, the current policy and leading alternatives are analyzed against the established criteria. Section III offers our recommendations developed to meet, as much as possible, both national security and humanitarian intervention criteria.

## **BACKGROUND**

### **Sanctions and Oil for Food**

Following the invasion of Kuwait by Iraq in August 1990, the UN Security Council passed resolution UNSCR 661 that imposed comprehensive sanctions on Iraq, some of the strictest sanctions ever levied against a nation. In addition, in April 1994 the UN passed UNSCR 687, which required Iraq to destroy all WMD, stop all research into WMD, and subjected Iraq to monitoring and verification.

Soon after the implementation of sanctions, the UN sent a mission to Iraq, which reported the makings of “an imminent (human) catastrophe...if minimum life supporting needs are not rapidly met.”<sup>4</sup>

It was not until May 1996 that Saddam agreed to the Oil for Food program when he accepted UNSCR 986. The start of the program was delayed another 7 months until December 1996 while Iraqi officials argued over the terms of implementation.

Under the Oil for Food program, Iraq is allowed to sell oil for the purchase and import of food, medicine and medical equipment, and other goods for essential civilian needs. It is also allowed to import spare parts, equipment, and materials for use in water sanitation, education, electricity, agriculture and de-mining sectors. UNSCR 1153 expanded the program to include repair to the civilian infrastructure and upgrading of the Iraqi oil infrastructure to enable it to pump the increased \$5,300 million worth of oil as permitted under the resolution.<sup>5</sup>

The proceeds from the sale of oil under the Oil for Food program are paid into a UN controlled account and allocated as follows: 59 percent for humanitarian supplies in the center and south governorates of Iraq; 13 percent for supplies in the three northern governorates; 25 percent to the UN Compensation Fund for war reparations; 2.2 percent to the UN for costs

associated with administering the program, and .8 percent for the administration of the commission responsible for disarmament account.<sup>6</sup>

The program works through distribution plans, which detail all the goods that Iraq wishes to import for each six-month period. The plans are prepared by the Iraqi government and approved by the UN Secretary-General. The UN controls distribution in the three northern governorates, the Iraqi government controls distribution in the 15 governorates in central and southern Iraq.

As of February 28, 2001, \$24.3 billion dollars worth of humanitarian supplies and oil industry equipment have arrived in the center and south of Iraq (see Table 1).<sup>7</sup> Notwithstanding the amount of money, serious management deficiencies in the distribution process have been noted and significant disparity between the amount of goods received by the two regions (north versus south and central) exist. In addition, the program has been plagued with a high number of ‘holds’ placed on applications. Holds are placed on contracts that do not have enough information to determine whether they include dual-use items, because the contract is for an item that is on an agreed upon ‘holds’ list, or because contracts were submitted by companies with a record of sanction violations.

**Table 1 - Money Arrived and Contracts on Hold (as of Feb 28, 2001)**

| <b>SECTOR</b>     | <b>CONTRACT<br/>HOLD</b> | <b>ARRIVED<br/>\$M</b> |
|-------------------|--------------------------|------------------------|
| FOOD*             | \$0                      | \$8,197.2              |
| FOOD HANDLING     | \$339.5                  | \$1,875.9              |
| HEALTH*           | \$280.5                  | \$1,995                |
| OIL SPARES        | \$428.9                  | \$1,953.8              |
| ELECTRICITY       | \$790.8                  | \$3,313.1              |
| WATER/SANITATION  | \$314.8                  | \$1,539.8              |
| AGRICULTURE       | \$452.3                  | \$2,248.6              |
| EDUCATION         | \$115.1                  | \$643.3                |
| TELECOMMUNICATION | \$525.5                  | \$1,146                |
| HOUSING           | \$85.5                   | \$1,355.4              |
| <b>TOTAL</b>      | <b>\$3,333.3</b>         | <b>\$24,268.1</b>      |

\* Includes supplies bulk purchased by Iraq for three northern governorates. Other amounts reflect only center and south of Iraq.

## Current Humanitarian Situation in Iraq

Despite the Oil for Food program, serious deprivation and malnourishment are a reality in parts of Iraq. Although numbers vary, the analytical data outlined below was presented by the UN's Office of the Iraq Program (OIP), and generally undersigned by a number of respected agencies. The OIP data included information from the UN Office of Humanitarian Coordination for Iraq (UNOHCI), the United Nations Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC), the World Health Organization (WHO), along with many others.

**Table 2 - Sector Analytical Data, Iraq Pre 1990 to Post 1996**

(Source: UN Security Council Humanitarian Panel Report, Oil-for-Food, Annex II, 30 Mar 1999)

| Sector      | Pre-War<br><1990                               | Post Oil-for-Food<br>> 1996  | Remarks  |
|-------------|--|------------------------------|--|
| GDP         | 3.510 (1988)                                   | 1.036 (1998)                 | US dollars/per capita  |
| Electric    | 8.9 mw   | 3.5 mw                       | From 126 power stations to an estimated 63   |
| Calories    | 3.120 kilo                                     | 2.030 kilo                   | Per capita/per day   |
| Health Care | 97% urban (available)<br>78% rural (available) | unknown<br>unknown           | Hospitals have remained w/o repairs and maintenance. Communicable diseases are now part of an endemic pattern. |
| Mortality   |  |                              |  |
| Maternal    | 50/100,000 (1989)                              | 117/100,000 (1997)           |  |
| Infant      | 64/1000 (1990)                                 | 129/1000 (1995)              |  |
| Education   | 75%<br>20% (1987)<br>95.692 (1990)             | 53%<br>20%<br>131.658 (1999) | Primary/sec enrollment<br>Illiteracy<br>Drop outs, elementary school   |
| Water       | 90%  | 50% (urban)<br>33% (rural)   | Access to safe drinking water  |

## PROBLEM STATEMENT

*“No matter what interveners may profess, in the context of international-social conflict, humanitarianism is irrevocably politicized.”<sup>8</sup>*

The United Nations policy toward Iraq, consisting of sanctions and what has come to be known as the Oil for Food program, is flawed – it does not meet the national security criteria or the humanitarian criteria it was set out to accomplish.

Today, Saddam Hussein’s regime is still in power, still remains a threat to the Iraqi people, to the region and the world. “Fortress Saddam is as impregnable as ever, despite a decade of U.S. led sanctions.”<sup>9</sup> The Oil for Food program, the largest humanitarian program ever administered by the UN<sup>10</sup> has done little to stop the widespread suffering, deprivation, and malnourishment of the Iraqi people. In the international court of public opinion, Saddam continues to use sanctions and the Oil for Food program to his benefit – at the expense of his own people.

Sanctions have had a crippling effect on the overall status of the military in Iraq. Including Iraq’s need for military modernization, Iraq required about \$2-2.5 billion a year to sustain, modernize, and support its efforts to deploy large numbers of long-range missiles and WMD. Ignoring the replacement of wartime losses, Iraqi military imports were under-funded by at least \$7 billion between 1991-1997.<sup>11</sup>

The UN, and arguably the U.S., responsible both for implementing sanctions and the humanitarian intervention program, the Oil for Food program, is in a quagmire. As stated by the UN Secretary-General, Kofi-Annan, “...the humanitarian situation in Iraq poses a serious moral dilemma for this organization. The UN has always been on the side of the vulnerable and the weak, and has always sought to relieve suffering, yet here we are accused of causing

suffering to an entire population....”<sup>12</sup>

The quagmire described by Kofi-Annan is reflected in the current debate on the UN policy toward Iraq. On one hand, the program is evaluated based on its success or failure in terms of national security by the US Administration and a number of prominent US think-tanks. On the other hand, it is evaluated based on its success or failure as humanitarian intervention by the ICRC, the WHO, the WFP, and a number of other non-governmental organizations. Conclusions are based on the respective ‘frame of reference’ resulting in continuous polarization of the debate.

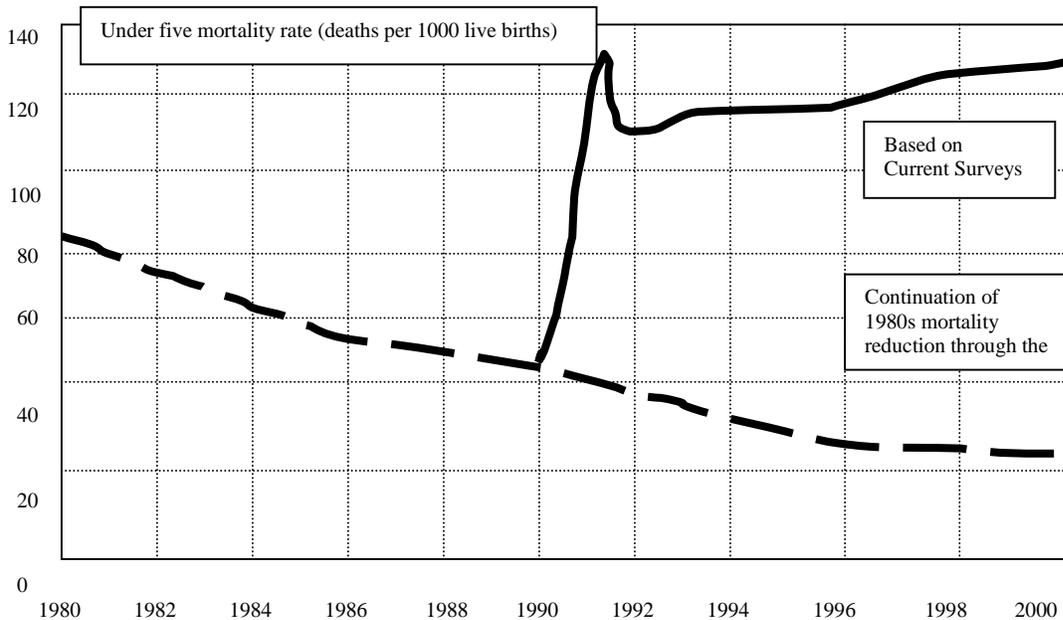
From the national security perspective, the U.S. State Department is determined to continue sanctions to prevent the Iraqi regime access to resources that it would use to reconstruct WMD, coupled with the Oil for Food program to relieve the impact of sanctions on ordinary people.<sup>13</sup> In September 1999, the U.S. State Department reported “...Baghdad’s refusal to cooperate with the Oil for Food program and its deliberate misuse of resources are cynical efforts to sacrifice the Iraqi people’s welfare in order to bring an end to UN sanctions without complying with its obligations.”<sup>14</sup> All problems associated with the suffering of the Iraqi people, according to the U.S. State Department, are attributable to Saddam Hussein’s obstruction of the Oil for Food program, not UN sanctions.

From the humanitarian intervention point of view, UNICEF and other humanitarian groups have a different perspective. UNICEF’s Executive Director Carol Bellamy, commenting on UNICEF’s 1999 report on the increase in infant mortality rates in the center and south of Iraq (Table 3), states “the survey’s findings cannot be easily dismissed as an effort by Iraq to mobilize opposition to UN sanctions.”<sup>15</sup> Denis Halliday, the former head of the Oil for Food program, puts it another way -- “The Security Council has known full well for more than nine

years of the famine and other deadly consequences of this UN economic sanctions policy.”<sup>16</sup>

The last two heads of the Oil for Food program, Denis Halliday and Hans von Sponbeck, blame UN sanctions – “Sanctions are starving to death 6,000 Iraqi infants every month, ignoring the human rights of ordinary Iraqis, and turning a whole generation against the West...I no longer want to be part of that.”<sup>17</sup>

**Table 3**  
**Iraq – Under-Five Mortality Rates according to UNICEF**



“The under-five mortality rate data shown above, together with data on births during the same period, can be used to estimate the number of under-five deaths. The conclusion is that if the substantial reduction in the under-five mortality rate during the 1980s had continued through the 1990s, there would have been a half million fewer deaths of children under-five during the eight year period 1991 to 1998.” UNICEF Report “Child and Maternal Mortality Survey 1999, Preliminary Report”<sup>18</sup>  
Note: Some question the validity of UNICEF data based on the data partially being supplied by Iraq.

The polarity of the debate, in part, is caused by evaluating the UN policy toward Iraq on different criteria – national security criteria or humanitarian intervention criteria. As much as possible, we must work toward a comprehensive policy that meets both. Politics and humanitarian intervention cannot be separated in this context.

## CRITERIA

Our assumption is that national security interests and humanitarian interests must be considered together in analyzing the current UN policy in Iraq and future alternatives.

National security criteria were determined utilizing objectives outlined in the UNSCR 687, the cease fire resolution in 1991 (Appendix 2), and the Iraq Liberation Act of 1998, section 3 (Appendix 3). In addition, when analyzing the current policy, UNSCR 986 (Appendix 4), the Oil for Food program criteria is reviewed.

Humanitarian intervention criteria was determined utilizing a framework presented by Oliver Ramsbotham, author of *Humanitarian Intervention in Contemporary Conflict*, which “represents a general consensus among not only those who advocate various forms of humanitarian intervention, but also those who oppose such intervention.”<sup>19</sup>

Table 4 outlines both national security and humanitarian intervention criteria.

**Table 4 - National Security and Humanitarian Intervention Criteria**

| <b>CRITERIA</b>                                | <b>DEFINITION</b>   |
|--|---|
| <b><u>National Security</u></b>                |   |
| Limited Proliferation                          | UNSCR 687, sections A, B, and C.  |
| Reduction of Weapons of Mass Destruction       | UNSCR 687, section C, Iraq shall unconditionally accept the destruction, removal, or rendering harmless, chemical and biological weapons, ballistic missiles (+150k), etc....             |
| Containment                                    | UNSCR 687, section A, demands Iraq and Kuwait respect the inviolability of the international boundary.  |
| Removal of Saddam Hussein                      | Iraq Liberation Act of 1998, "It should be the policy of the US to support efforts to remove the regime headed by Saddam Hussein from power in Iraq...."                                  |
| Regional Stability                             | Promote stability throughout the region. Resolution of disputes can remove much of the impetus for extremist measures and ensure peaceful transition.                                     |
| Sustainable International and Domestic Support | Successful containment requires substantial international support and support on the domestic front   |
| <b><u>Humanitarian Intervention</u> *</b>      |   |
| Cause  | Where there is an unacceptable denial or violation of fundamental human needs or rights.  |
| End  | The aim should be throughout the affected region.   |
| Approach                                       | The approach should be impartially conducted. Motives must be humanitarian and political interests Must be compatible with the declared end.  |
| Means  | Means should be appropriate – necessary, sufficient, proportional, and discriminate. Means employed compatible with mission.  |
| Outcome  | Outcome should be to the overall advantage of those in whose name it is carried out.  |
| Universality                                   | Must be endorsed by the international community, free from partisan political objectives (neutrality), and impartially administered. Should not be viewed as partisan political activism. |

\* Adopted from Oliver Ramsbotham, *Humanitarian Intervention in Contemporary Conflict*, 1996

## SECTION II

### ANALYSIS OF CURRENT POLICY

The UN and the U.S. policy toward Iraq is outlined in a number of UN resolutions and the Iraq Liberation Act of 1998. A summation is outlined below.

| <b>Box 1 – Current Policy Summation</b>   |
|---|
| <p><b><u>UNSCR #661 (1990)</u></b></p> <ul style="list-style-type: none"><li>- Establishes comprehensive economic sanctions on Iraq, except for supplies intended strictly for medical purposes and, in humanitarian circumstances, foodstuffs.</li><li>- Prevents imports into other States of all commodities and products originating in Iraq</li><li>- Prevents any State from making available funds or any other financial or economic resources in Iraq</li></ul>  |
| <p><b><u>UNSCR #687 (1991)</u></b></p> <ul style="list-style-type: none"><li>- Requires Iraq and Kuwait to respect international boundary</li><li>- Requires Iraq to unconditionally accept destruction of all WMD and means of producing WMD.</li><li>- Subjects Iraq to monitoring and verification (inspections have not been conducted since 1998)</li><li>- Requires Iraq to not acquire or develop nuclear weapons or nuclear-weapons usable material or subsystems, research, development, or manufacturing facilities related to nuclear weapons</li></ul>  |
| <p><b><u>USCR #986 (1995) – Oil for Food</u></b></p> <ul style="list-style-type: none"><li>- Allows for a specified amount of oil to be sold in exchange for humanitarian supplies, controlled by the UN, as a temporary means to stop the suffering of the Iraqi people (there is currently no cap on the amount of oil)</li><li>- Requires 30% of the money to be used for war reparations (reduced to 25% in 2000)</li><li>- Requires Iraq to fulfill requirements in other resolutions, i.e. UNSCR 661 and 687</li><li>- Program has been extended to date, expanded to include other materials for development of the Iraqi infrastructure</li></ul> |
| <p><b><u>IRAQ LIBERATION ACT (1998)</u></b></p> <ul style="list-style-type: none"><li>- Calls for efforts to remove the regime headed by Saddam Hussein from power in Iraq</li><li>- Promotes the emergence of a democratic government to replace the regime</li><li>- Provides assistance valued at \$97 million which includes money for grants to Iraqi opposition groups doing radio and television broadcasting, and supports military education and training for such organizations</li></ul>   |

The broad political objective for the sanctions in general stem from remarks made by President Clinton on February 20, 1998 on the expansion of UNSCR 986 (Appendix 4).

Prior to evaluating the political objectives versus humanitarian criteria, it must be understood that sanctions and humanitarian intervention are interrelated in the Iraq policy. Also, it is inevitable that there are polarizing positions based on the frame of reference of the parties (national security vs. humanitarian). The sanctions can be seen by the Iraqi as forcible intervention while the Oil for Food program may be looked at as coercive, non-military humanitarian intervention.<sup>20</sup>

Criteria for analysis of the current policy, sanctions and the Oil for Food program, are divided into political/national security criteria and humanitarian intervention criteria.

## **NATIONAL SECURITY CRITERIA**

The UN and the U.S. national security objectives for Iraq are limitation of proliferation, reduction of WMD, containment, the removal of Saddam Hussein, regional stability, and sustainable international and domestic support.

### **Limitation of Proliferation**

Prior to the Gulf War, the Iraqi military was the fourth largest in the world based on number of men under arms and all types of military vehicles. This is surprising given that Iraq's population is only 20 million. Obviously, Saddam's military size posed a considerable threat to his neighbors in the region. Following the Gulf War, this vast military machine was reduced roughly by half; current sanctions greatly limit the proliferation of growth for Saddam's military. Under UNSCR 986, any item likely to expand the military is prohibited. As a result of over 10 years of sanctions, numerous items in the military inventory are almost obsolete. The Gulf War has cost Iraq much of its butter as well as most of its guns, and has created far greater and longer-term problems in financing a military machine than would ever have been the case if Iraq had focused on economic recovery and re-negotiated its debts.<sup>21</sup>

While many of Iraq's internal supply, logistic and repair capabilities have slowly improved, UN sanctions have had a steadily more crippling impact on a military force structure that requires a minimum of \$900 million to \$1.2 billion in pre-Gulf War military imports in order to sustain its existing readiness, sustainability, and effectiveness.<sup>22</sup> Even when Iraq's more sophisticated military equipment is still operational, it often has limited sustainability and/or partial repair and

maintenance. This means that sub-systems do not work or have no endurance in combat. Additionally, routine and frequent destruction by allied bombing has destroyed much of Saddam's air defenses.<sup>23</sup>

Sanctions have been extremely effective in limiting the proliferation of Saddam's conventional army. However, Iraq is still the largest conventional power in the Gulf region, and its past history of arms imports must be kept in perspective. The UN resolutions and cease-fire accords resulting from the Gulf War cannot provide any lasting basis for preventing all military exports to Iraq, and neither can arms control agreements on supplier regimes. Present international accords will allow the sale and transfer of significant amounts of biological, chemical, and nuclear technology that can be used to build WMD, once Iraq "complies" with the key sanctions now affecting it. Some nations or individual companies will always be willing to deal with Iraq on a covert or overt basis. To them, there is no difference between "guns" and "butter", and any easing of "civil" economic sanctions will inevitably give Iraq some aid in strengthening its military capabilities.<sup>24</sup>

### **Reductions of Weapons of Mass Destruction (WMD)**

Regarding the reduction of WMD, the jury still remains out and is fairly pessimistic on the control of the Iraqi WMD program. This program has continued throughout the 1990s, and sanctions cannot bring them to an end. Economic sanctions undoubtedly limit Saddam's ability to develop and obtain WMD. Sanctions restrict the amount of money Baghdad can obtain from oil sales and place the disbursement of those funds under UN supervision. However, as of October 1998, UNSCOM could not verify Iraq's contentions that it had destroyed critical components of its missile program -- 550 mustard-gas shells, 500 chemical and biological

bombs, and substantial amounts of biological and chemical weapons material.<sup>25</sup>

What progress there has been in degrading Iraq's unconventional weapons capabilities, moreover, has come through UNSCOM and not the sanctions. President Clinton has famously and correctly said that UNSCOM destroyed more Iraqi WMD resources than did the Gulf War air campaigns.<sup>26</sup> Furthermore, UNSCOM's very presence diverted Iraqi resources from developing more WMD to hiding what they already have. However, international sanctions are hardly foolproof means of disarming Iraq. But if the major threat to American interests from Iraq is WMD development, then it is much better to have UNSCOM (or something like it, i.e., the UN Monitoring, Verification, and Inspection Commission (UNMOVIC) without sanctions than to impose sanctions without UNSCOM. Overall, the ability of the UN/US to control/monitor the WMD program of Iraq is extremely limited without an observer force on the ground to conduct on-site monitoring. Hence, this portion of the sanctions has not been successful.

Policymakers should be reminded of the initial UN goal regarding sanctions -- not to punish either Saddam or the Iraqi people, but to ensure that Saddam Hussein does not produce WMD or possess the ability to become a major regional threat to his neighbors. Further, US regional objectives have been to maintain US influence and a balance of power within the region vis-à-vis Iran, to reduce the spread of WMD and its potential for use, and to reintegrate Iraq peacefully into the region. Virtually every nation assisting Iraq with smuggling has an interest in ensuring that any Iraqi regime doesn't become a threat via WMD or possession of the ability to take offensive action.

## **Containment**

The containment of Saddam Hussein and his military machine has been one of the

highlights of the current sanctions program. Movement of all aspects of Saddam's military force is closely monitored daily by intelligence personnel located at Headquarters, United States Central Command (CENTCOM). Any movement of military ground forces above the company level is monitored and briefed to the Commander in Chief (CINC) and relayed to the Joint Staff located at the Pentagon. Furthermore, with the no-fly zones in place, any unauthorized movement by Saddam's military forces outside these boundaries, north of the 36<sup>th</sup> parallel or south of the 33<sup>rd</sup> parallel, are met with force.

Once these sanctions are lifted, the no-fly and no-drive zones, the balance of power that has characterized the Gulf region will gradually re-emerge with the area's two chief rivals, Iraq and Iran, vying for dominance. The southern Gulf states (the Gulf Cooperation Council - GCC) will return to their traditional pattern of balancing the respective threats from Iraq and Iran. This trend is illustrated by the cautious rapprochement currently taking place between Saudi Arabia and Iran. At least initially, regional competition is likely to focus on oil production since Iraq's rehabilitation will require substantial increases in oil revenues. Saddam may also employ Iraq's oil resources (second only to Saudi Arabia) as a weapon for punishing those states that opposed him during the Gulf War.

The easing of sanctions also has implications for the role of external powers in the Gulf strategic balance. In political terms, Iraq will seek to balance U.S. hegemony in the Gulf region through close relations with one or more great powers. Russia, and to a lesser degree China, are the likely candidates since both have important national interests that would be served by developing closer relations with Iraq. Engaging Iraq would facilitate Russia's return as a strategic player in the Gulf. For China, Iraq provides an opportunity to extend its influence to an important region where China's interests are increasing due to its economic growth and growing dependence on Middle Eastern oil. Additionally, Russia and China (and others) have an interest

in renewing arms sales to Iraq, and these states and others can be expected to aggressively seek far-reaching arms sales agreements once sanctions are lifted.

The gradual return of a well-armed Iraq into the regional balance presents concerns and challenges to regional stability and several U.S. friendly states, principally Kuwait and Saudi Arabia. Another important aspect of the changing regional dynamics is ascertaining how our friends in the region will respond to Iraq in a post-sanctions era. Although Saddam may initially follow a more cautious approach, he possesses the capability and the willingness to threaten regional stability, which will continue to have important implications for the deployment of U.S. forces.

### **Removal of Saddam Hussein**

This question has been posed numerous times since the invasion of Kuwait in August 1990. The U.S. does have an entire family of war plans that deals with the CENTCOM area of operations and the U.S. has the military forces capable of decimating Iraq's current conventional forces. However, there are no war plans that specifically address the removal of Saddam. He does not have a safe haven or retreat to flee to much as Idi Amin did to Saudi Arabia in 1988. Because of this fact, a defeated and destroyed Iraq would be the end of Saddam and the cronies who support his inner circle by clinging to him for their survival. In his book, *The American Way of War*, Weigley states that unconditional surrender is the way America fights and wins wars (World Wars I and II).<sup>27</sup> However, since the end of WW II, the U.S. has veered afar from this strategy. Yet unconditional surrender in the case of defeating Saddam Hussein would be the only course of action available.

The one major ingredient for the success of the removal of Saddam is missing—the

political will of the current administration, the Congress, and the American people for the success of an operation of this nature. All must be united in a desire for action. General Zinni, the former Commander in Chief (CINC) at USCENTCOM, in his farewell address published in the Naval Institute Proceedings states “in removing Saddam, we try to get the results on the cheap. There are congressmen today who want to fund the Iraqi Liberation Act (Appendix 2), and let some silk suited, Rolex-wearing guys in London gin up an expedition. We’ll equip a thousand fighters and arm them with \$97 million worth of AK-47’s and insert them into Iraq. And what will we have? A Bay of Goats, most likely. That is what can happen when we do things on the cheap.”<sup>28</sup>

A takeover by Iraq’s opposition parties seems extremely unlikely. It stretches credulity that the 60-90 exiled opposition groups, including those under the umbrella organization of the Iraq National Council, could take over. The most credible groups in this mix of opposition groups are the Kurds, the Shi’ite of various hues – including liberal democrats and secularists, moderate Islamists and Islamic fundamentalists, and Sunni Arab nationalists. They could only succeed, however, if they formed a lasting coalition that would constitute a dramatic break with Iraq’s 70 year long history of domination by the center and Sunni Arabs.<sup>29</sup>

According to the State Department, while the current state of the opposition groups does not present a clear option for the overthrow of Saddam, his record over the last 10 years, however, demonstrates that he will never comply with the UN resolutions. Additionally, he will continue to repress his own people and threaten his neighbors. That is why the U.S. believes that the only way to address the security needs of the international community and the needs of the Iraqi people is through a new government in Baghdad. This would be a government that is committed to living in peace with its neighbors and respecting the rights of its citizens. The U.S.

supports the territorial integrity of Iraq, one nation, whole and free. Saddam Hussein is not what's holding Iraq together; he is breaking it apart. The U.S. believes that if there is to be change, it must come from Iraq, led by Iraqis. Lastly, the U.S. does not seek to impose American solutions or a foreign opposition on the people of Iraq. <sup>30</sup>

### **Regional Stability**

Regional stability regarding Iraq is a choice of strategy for dealing with Iraq's regime and the issue of sanctions; this makes for rather difficult choices. Saddam is still in power and his demise has been predicted so often that, as senior Bathist official put it: "...waiting for Saddam to go is like waiting for God to arrive." <sup>31</sup> Further, there are no good options for pursuing a new leadership within either the existing center of the Iraqi politics, or within the "periphery" of Kurdish groups, Shi'ite factions, and opposition political parties. Each has powerful liabilities.

Iraq's complex political and socioeconomic situation has created conditions where outside powers can only have an indirect influence on whether Saddam goes and who succeeds him. The West and Southern Gulf states can back opposition movements, but these have little influence or chance of success. They can back Kurdish and Shi'ite groups, but these can at best trigger civil conflict, and present serious risks in terms of Kurdish separatism and its impact on Turkey and Shi'ites to Iran, and at worst creating a widespread massacre of an entire population. Such options are only marginally better alternatives than the present reliance on the race between the lifting of sanctions and the collapse of Saddam's regime.

While the past U.S. policy of using Iraq as a counterbalance to Iran, there is a further contingency which the West and other Gulf states must consider. While there seems to be little immediate prospect that Iran and Iraq would join together in such a devil's bargain, policies change and often do so suddenly and with unpredictable motives. Serious Iranian and

Iraqi cooperation in using military force would radically alter the military balance in the Gulf, and a combination of Iranian and Iraqi military forces could put far more military pressure on any combination of Western and Southern Gulf forces. It would also be much harder for the Southern Gulf states to resist a combination of Iranian and Iraqi intimidation short of war.

### **Sustainable International and Domestic Support**

Sanctions fatigue has set in throughout the world community against Iraq to include, and possibly surprising to some, the U.S. Former President Clinton staved off any change in Iraqi policy and left this foreign policy challenge on President Bush.

A contributing factor to Saddam's aggressive information campaign is the weakening of the international consensus and resolve for continuing and enforcing the sanctions imposed by the UN following Iraq's invasion of Kuwait. Multilateral support for the current sanctions regime is weakening. China, Russia, and France, three UN Security Council Members, favor easing or ending the sanctions as a precursor to the gradual reintegration of Iraq into the international community. This weakening could be costly to the U.S. in its effort to maintain international support. Consequently, short of an overtly aggressive act by Iraq (e.g., an invasion of Kuwait and/or use of WMD), it is likely that the sanctions regime will gradually be reduced.

It is clear from this weakening of international support that U.S. policy towards the Gulf cannot be based on any reliance on NATO, on any European ally other than the UK, on other Coalition partners from outside the Gulf, or on reliance on major Gulf states like Saudi Arabia when there is not a clear and unambiguous danger to the Gulf state involved. The U.S. should not abandon Coalition building for political purposes, but it should have no strategic or military illusions. The de facto Coalition in war fighting terms will be the U.S., those Gulf States directly threatened, and possibly the UK. The U.S. also cannot count on future UN support, although it

should continue to seek it. This means the possible restructuring both the U.S. power projection capabilities and regional security policy. The USG must also gradually assert its own vital strategic interests in terms of declared “doctrines,” rather than relying on U.S., Coalition, or Western (NATO) consensus.

## **HUMANITARIAN INTERVENTION ANALYSIS**

The analysis of sanctions coupled with the Oil for Food program from a humanitarian perspective is conducted utilizing objectives set forth in UNSCR 986, the Oil for Food program and humanitarian intervention criteria presented by Oliver Ramsbotham.<sup>32</sup>

### **The Oil for Food Program**

The Oil for Food resolution, UNSCR 986, requires that (1) humanitarian goods be distributed equitably throughout Iraq, (2) the program be a temporary measure, (3) Iraq must fulfill the requirements of UNSCR 661 and 687, and (4) the further deterioration of humanitarian needs of the Iraqi people and infrastructure must be stopped.

### **Equitable Distribution To All Segments Of The Iraqi People**

In the case of Saddam Hussein, sanctions have had the perverse effect of bolstering this authoritarian, stasis leader. The Iraqi government has been able to control the distribution of goods in the center and southern regions of the country. (Distribution of Oil for Food items in the north is supervised by UN agencies). The danger is both moral, in that innocents are affected, as well as practical, in that sanctions harm the population at large. This can bring about undesired effects that include bolstering the regime, triggering possible large-scale immigration, and retarding the emergence of a middle class and civil society. This last effect is highly prevalent and extremely noticeable in the Iraqi society.<sup>33</sup>

## **A Temporary Measure To Stop Suffering Of The Iraqi People**

Interviews with two U.S. News and World Report reporters<sup>34</sup> who traveled throughout Iraq in July 2000 verified widespread poverty among Iraq's middle class. Doctors and teachers, once considered the elite members of this society prior to the Gulf War, are forced to work second and third jobs to supplement their income. In our interview, they stated the U.S. continues to support crippling economic sanctions on Iraq that have not weakened Saddam's hold on power. However, sanctions have prevented him from reconstructing his WMD program and some believe that Saddam retains the know-how and some materials for WMD and could reconstitute his capability relatively quickly if all controls are lifted.

These reports stated, however, that sanctions have reduced the Iraqi people to penury. Iraqi society, once relatively prosperous and solidly middle class, is now mired in a daily struggle for survival. Most people live hand to mouth, relying on inadequate rations provided by the UN Oil for Food program. Iraq's medical and education systems, once the envy of the Arab world, are in disarray. The social disintegration brought on by sanctions is not only a tragedy in its own right, but also diminishes the already slim chance that internal Iraqi discontent could be converted into sustained popular rebellion: people consumed with finding their next meal do not have time to overthrow dictators.

## **Fulfillment Of Other Resolutions**

The Oil for Food program was also implemented to support the fulfillment of other resolutions, UNSCR 661 and 687. Providing food and medicine for the Iraqi people serves as a vehicle to ensure the viability and sustainability among the US allies regarding the no-fly/no-drive zone resolutions.

In their article, "*Sanctions of Mass Destruction*", John and Karl Mueller discuss the

economic effects on a country compared to the dangers posed by chemical and biological weapons, like those from rogue states and international terrorism. Their analysis is that the dangers of the latter are often exaggerated and for the most part still merely theoretical. The dangers of chemical and biological weapons, they assert, have been blown out of proportion in the quest for things to be alarmed about in the relatively safe post-Cold War period. By contrast, the dangers posed to human well-being by comprehensive economic sanctions are clear, present, and sometimes devastating – yet they have often been over-looked by scholars, policymakers, and the media.

If the UN estimates of the human damage in Iraq are even roughly correct, it would appear that, in a so far futile effort to remove Saddam from power and a somewhat more successful effort to constrain him militarily, that economic sanctions may well have been the cause of deaths of more people in Iraq than have been slain by so-called WMD throughout history.<sup>35</sup>

The destructive nature of sanctions can be seen most clearly in the extreme form in Iraq, a country particularly vulnerable to sanctions because so much of its economy is dependent on the export of oil. This vulnerability has been enhanced by the infrastructure destruction during the Gulf War, and because the country's political leadership sometimes seems more interested in maximizing the nation's suffering for propaganda purposes than in relieving it.

No one knows with any precision how many Iraqi civilians have died as a result of these economic sanctions, but various agencies such as the UN, which oversees the sanctions, have estimated that they have contributed to hundreds of thousands of deaths. By 1998, Iraqi infant mortality had reportedly risen from the pre-Gulf War rate of 3.7 percent to 12 percent.

Inadequate food and medical supplies, as well as breakdowns in sewage/sanitation

systems as well as electrical power systems needed to run them, reportedly cause an increase of 40,000 deaths annually of children under the age of five and 50,000 deaths annually of older Iraqis.<sup>36</sup>

Some casualty estimates have been questioned because they rely on Iraqi reports, and the government of Iraq clearly exaggerates its losses in hopes that sanctions will be removed. On the other hand, the estimates may be low in some areas. In particular, many infant deaths may go unreported because ailing babies are not taken to hospitals now clearly incapable of saving them. The UN also suspects that many deaths go unreported so that survivors can collect an additional food ration.

### **Halting of Further Deterioration**

Unsurprisingly, Saddam has not cooperated in allowing the sanctions to stop or even contain the deterioration of Iraq, regardless of the human cost. Unlike many dictators, Saddam cannot flee to a haven elsewhere: the only place he is reasonably in control is Iraq. He has clung tenaciously to power, crushing all opposition, and has sought to rebuild his military capabilities, including, it appears, his chemical and biological arsenals. Saddam has been wary of infringements on Iraqi sovereignty, including the presence of arms inspectors and other outsiders whose activities might undermine his weapons programs or even his survival.<sup>37</sup>

We should note that Saddam's policies, rather than the sanctioners, are at the center of Iraq's problems; arguments the latter often make in their own defense are causing the costs of the sanctions. If the Iraqi dictator would only do as they demand, they argue, the sanctions would be removed. In the end, therefore, the effects of the sanction on the Iraqi people—Saddam's hostages—are both his fault and a predictable consequence of the sanctions policy.

Even if Saddam acknowledged guilt regarding the distribution of food under the Oil for Food program, this does not exculpate the U.S. and the rest of the international community, because the hardships in Iraq are predictable and would not be occurring without the sanctions. It is morally obtuse to dismiss the issue by saying, as Secretary of State Madeleine K. Albright did in May 1998, “the fact that Iraqi children are dying is not the fault of the U.S., but of Saddam Hussein. It is ridiculous for the U.S. to be blamed for the dictatorial and cruel, barbaric ways that Saddam Hussein treats his people.”

The Oil for Food program is designed so that there will never be adequate goods, nor, more importantly, the appropriate infrastructure in place to allow Iraq to make strides in reversing the mammoth burden placed on most of its people. As Christopher Wren reported to the UN on October 19, 2000, Tun Myat, the new administrator of the program and successor to Hans von Sponeck, said “...that although that distribution system ranked among the world’s best, the lot of ordinary Iraqis has failed to improve because their living conditions remain mired in chronic deprivation.” Additionally, the Oil for Food program forces Baghdad to purchase all of its goods outside of Iraq, thus doing nothing to rebuild and develop its shattered economy and infrastructure. Lastly, despite more Oil for Food goods entering the country than ever before, massive unemployment and poverty persist.

### **Humanitarian Intervention Criteria**

The Charter of the UN, Article 39, states first that, “The UN Security Council can call for collective economic sanctions under Article 41 of the UN Charter if it has first determined the existence of a threat to the peace, breach of the peace, or act of aggression, and if the sanctions are imposed to maintain or restore international peace and security”. Second, a question of policy and judgment is whether sanctions in general, or a particular sanctions regime

are “legitimate” when the effect on the population of the target State (in this case Iraq) is considered in terms of international law and humanitarian considerations.

The reason for the imposition of sanctions and the likely effectiveness of a sanctions regime are two factors that must be considered to arrive at an intelligent and sustainable position in regard to the regime. In particular, it is essential to bear in mind that under the UN Charter the options open to the Security Council when faced with a threat to the peace, breach of the peace or act of aggression are often limited. If the Security Council wishes to respond to a challenge to international peace and security, it may use measures not involving the use of force, such as economic sanctions. If, however, measures not involving the use of force prove to be inadequate to restore international peace and security, it can take military action. It may be that economic sanctions are preferable to military action; this will depend on the nature of the sanctions or military action envisaged. Of course, this type of evaluation is of a military-political nature and humanitarian organizations may wish to avoid commenting publicly on the issue.

The criteria utilized to analyze the humanitarian intervention effort in Iraq emerges from a framework developed by Oliver Ramsbotham, author of *Humanitarian Intervention in Contemporary Conflict*, which requires a critical review of the humanitarian (1) cause, (2) end, (3) approach, (4) means, (5) outcome, and (6) universality.

### **Humanitarian Cause**

Trusting Saddam Hussein to look out for the welfare of Iraqis is equivalent to trusting Pol Pot to safeguard the welfare of Cambodians. Therefore, in light of the UNSCR 687, the Security Council set up a procedure whereby the Sanctions Committee has to monitor the situation in Iraq and occupied Kuwait and, if necessary, grant clearance for the delivery of foodstuffs for the benefit of the civilian population in order to relieve human suffering. The

ICRC noted the continued suffering of the Iraqi people and recommended to the UN Security Council that due to the economic effects pursuant under Article 39, UN Charter, that humanitarian suffering was taking place. Therefore, the ICRC recommended humanitarian relief be given to the people of Iraq. Saddam Hussein has thwarted the international community in its attempt to redress and intervene to halt the suffering of the Iraqi people.

### **Humanitarian End**

The aim of the intervention should be effective redress throughout the affected region. The region in this case, the country of Iraq, does not receive equal or effective redress. In the north, above the 36<sup>th</sup> parallel where the food distribution is controlled by the UN and distributed by various humanitarian agencies, the health and well-being of the populace is very good. In the center and south of Iraq, where the Iraqi military controls food distribution, the Iraqi populace suffers tremendously from a wide imbalance in food distribution.<sup>38</sup>

Saddam Hussein does not allocate enough Oil for Food funds to the food sector. The food basket competes directly with infrastructure for funding. The Iraqi authorities continually ignore advice from the UN experts on the content and size of rations baskets. Some of the UN food basket items are resold on the open or black market. As an example, an Indian freighter departing Iraq was seized last year carrying infant formula acquired under the Oil for Food program.<sup>39</sup>

### **Humanitarian Approach**

The intervention should be impartially conducted. In the case of Iraq, the distribution of items under the Oil for Food program is not impartially conducted. As previously mentioned, the UN via various humanitarian organizations, controls distribution in the north, while the Iraqi military controls distribution in the center and south. Proper implementation of a sanctions

regime would require the monitoring of goods shipped to Iraq. Once the goods arrive in the center and south, the Iraqi government/military is the monitoring organization. Therefore, the UN has absolutely no assurance that the purchased items reach the neediness people.

### **Humanitarian Means**

The means employed should be appropriate: they should be necessary, sufficient, proportional, and discriminate. The humanitarian assistance to Iraq in the north meets this criteria, however, none of the humanitarian means are being met in the center and south. Distribution of items under the Oil for Food program in the center and south is not appropriate, sufficient, proportional, nor discriminate. Malnutrition and health problems among Iraqi civilians are being blamed on the UN sanctions regime rather than on Saddam Hussein.

### **Humanitarian Outcome**

The outcome of the intervention should be to the overall advantage of those in whose name it is carried out. This is the greatest paradox facing the UN with the current sanctions in place against Iraq. The goal of the UN is to limit the suffering of the people in the state being assisted by the UN. However, for the first time in its history, the UN's assistance has adversely affected the well being of the average Iraqi and positively affected the cronies that support Saddam Hussein. It could be argued that the right to food and the right to be free from hunger impose an obligation on the UN to supply essential foodstuffs to those in need.

### **Universality**

The international community should endorse the principles that govern just humanitarian intervention. Yet another paradox of the of the Oil for Food program, it the fact that the UN is

attempting to enforce Oil for Food sanctions/distribution without an occupation army. A successful example would be of General MacArthur in post-war Japan ensuring that the entire population received an equal distribution of food and other vital items. This is not happening in Iraq where the Iraqi military controls the distribution of food in the center and south of the country. It is because of the Iraqi military that the suffering of the Iraqi people in the center and south has been so intense.

### **Conclusion Regarding the Current Policy**

U.S. policy recognizes the fact that Iraq will remain a revanchist state as long as it is under the control of Saddam Hussein or other members of its present ruling elite. Iraq has already attempted to assassinate former President Bush, has systematically resisted the UN's efforts to destroy its capacity to produce WMD, has backed the People's Mujahideen in attacks on Iran, and has repeatedly infiltrated the Kuwaiti border. Furthermore, Iraq has delayed its recognition of the new border the UN demarcated between Iraq and Kuwait.

With or without the help of sanctions, containment and deterrence have rather good track records as policies for dealing with menaces far more significant than that posed by contemporary Iraq, with its demoralized and potentially mutinous army. There is little reason to believe they would not work in this case as well. Any Iraq attack or major provocation—certainly any involving chemical, biological, or nuclear weapons—would be suicidal. And survival, not suicide, seems to be Saddam's chief goal.

## ANALYSIS OF DENIS HALLIDAY'S ALTERNATIVE

*“Through the deprivation that sustained sanctions have brought about in Iraq, we have the member states of the UN Security Council themselves undermining the human rights of the innocent and the blameless.”*  
Denis Halliday<sup>40</sup>

Denis Halliday, the former head of the Oil for Food program, is a leading critic of the current sanctions policy in Iraq. Halliday resigned from the head of the program in October 1998 to protest the suffering inflicted on the Iraqi people by the UN sanctions. In regards to the Oil for Food program, Halliday views the program as a “largely ineffective response to the humanitarian crisis in the country....”<sup>41</sup> and is an outspoken supporter of changes in the humanitarian efforts in Iraq.

Halliday has outlined an alternative to the current policy which he believes will allow “the Congress (to) get out of this moral, humanitarian and legal quagmire...in a manner acceptable to the Administration here in Washington without international and domestic loss of face...and yet viable for the leadership of Iraq....”<sup>42</sup> (see Box 2, page 39).

According to Halliday, the impact of these proposals would be positive for all concerned.

They would:

- be in the immediate best interest of the children and the people of Iraq;
- enhance the world leadership of the U.S.;
- restore some of the lost credibility of the UN Security Council;
- demonstrate some respect for the rule of international law;
- begin to address the loss of fundamental human rights set out in Article 25 of the Universal Declaration under the impact of economic sanctions;
- set in motion the lengthy task of restoring prosperity to the Iraqi people;

- bring home many economic refugees of the middle and professional classes (important to the social well-being and possible change in governance towards a more participatory system).

**Box 2 --Denis Halliday's Alternative Policy for Iraq**

- Re-establish inspections and monitoring with regard to WMD within Iraq, as well as on its borders, including means for periodic review under existing non-proliferation agreements.
- Impose “smart” sanctions on Baghdad in respect to weapons purchasing and in respect to those profiting from civilian suffering (items that enhance or grow Iraqi military machine and technology).
- Re-open a US dialogue with Baghdad, thereby applying the principle that isolation leads to alienation whereas dialogue and communication leads to influence and positive change.
- Lift economic sanctions essential for the economy, including capital investment in infrastructure, and by this provide the ‘carrot’ necessary for effectiveness in all cases of sanctioned regimes.
- Release the oil production equipment on-hold in the Sanctions Committee of the Security Council to enable Iraq to put more oil on the world market and enhance its much needed earnings capacity.
- Facilitate American and other private sector capital investment in Iraq to begin the task of rebuilding the civilian infrastructure (produce and distribute electric power, clean water treatment, sanitation, agriculture, rehabilitate transport and communication).
- Postpone payment of reparations, thereby allowing Iraq full access to its oil revenues, excepting payment to those who have yet to be compensated for lost homes, until such time as the mortality and malnutrition crisis for Iraq children has ended.
- Encourage overseas visits of Iraqi professionals and study by Iraqi graduate students to begin to close the gap created by ten years of intellectual and technological isolation.
- Invite Iraqi participation in the regional process for Middle East community of nations in the years ahead.
- Establish with Baghdad arrangements for semi-autonomy of the Iraqi Kurds of the northern provinces until such time as they work out a modus vivandi that is mutually acceptable.
- Respect the restraints of the Security Council, including the termination of the US/UK bombing of the so-called “no-fly zones” plus regular incursions by the Turkish military into Kurdish Iraq.

### **Analysis of Halliday's Alternative**

By eliminating sanctions in Iraq, the need for the Oil for Food program goes away, and thus eliminates any humanitarian intervention program in Iraq. However, in and of itself, can lifting sanctions in Iraq be considered humanitarian intervention? Our position is yes – the main objective of Halliday's alternative is to lift sanctions which, in his terms, are “effectively punishing innocent Iraqi citizens, especially the most vulnerable: the children.”<sup>43</sup> From this perspective, any action to stop sanctions can be viewed as an act of humanitarian intervention.

The principle of humanitarian intervention itself has changed drastically because of

Saddam Hussein's actions following the Gulf War. Saddam took vengeance upon the Kurdish rebels; great international pressure mounted for immediate action by the victors. We fought the war supporting the principle of non-intervention, i.e. Iraq's take over of Kuwait, and now we were receiving pressure to do just that – intervene based on human rights needs within the borders of a state of Iraq.

UNSCR 688 in 1991 established what has come to be known as “forcible humanitarian intervention”<sup>44</sup> and required Iraq to “allow immediate access by international humanitarian organizations to those in need of assistance in all parts of Iraq....”<sup>45</sup>

### **Humanitarian Criteria**

This expanded definition of humanitarian intervention led to an expanded list of criteria that is today generally accepted and includes humanitarian cause, end, approach, means, and outcome which we define briefly in Table 4 and will further discuss here.<sup>46</sup>

### **Humanitarian Cause**

To determine if there is a humanitarian cause, there needs to be unacceptable denial or violation of fundamental human needs or rights. There is much documentation on the situation in Iraq today. One thing is clear – based on UNICEF's report,<sup>47</sup> there continues to be widespread deprivation.

Whether the UN imposed sanctions or Saddam's obstruction of the Oil for Food program is causing this -- is at the heart of the debate. Halliday, and a large number of supporters to end economic sanctions, point to sanctions as the main reason for the deprivation. Pro-sanction groups point to Saddam Hussein and his manipulation of the current programs.

Regardless of who or what is causing the deprivation, the current policy is not meeting

the needs of the Iraqi people. A well-designed sanctions policy should seek to affect those in power (and therefore in the position to effect change) in the target state, rather than the population at large.<sup>48</sup>

Given the flaws in the current sanctions policy, it is reasonable to assume lifting the sanctions would have some positive effect on the population, and should be considered as having a humanitarian cause.

### **Humanitarian End**

To determine if there is a humanitarian end, the aim should be throughout the affected region and humanitarian and political ends should be separated. The current Oil for Food program falls short in this criteria, treating the south and center of Iraq and three northern regions differently and clearly combining humanitarian and political ends. By lifting sanctions, all responsibility of impartial treatment of the population is in the hands of Baghdad. Given Saddam's history, are we comfortable with this? This will be addressed when we discuss humanitarian outcome.

By giving Saddam complete control, a humanitarian end is in question.

### **Humanitarian Approach**

The lifting of sanctions in Iraq can be considered a humanitarian approach to address the desperate situation of the civilian population, given it would be impartially conducted with the motives discussed above.

### **Humanitarian Means**

Here we need to determine if the means employed are compatible with a humanitarian

mission. As stated by Anna Segall, a representative of the ICRC, “It is self-evident that any comprehensive regime of trade sanctions will affect the situation of the civilian population...it is necessary to consider the degree of suffering caused and who is most severely affected.”<sup>49</sup>

Again, one can argue what/who is causing the deprivation in Iraq: Saddam or sanctions. From a simplistic position -- the current policy is either causing the suffering or allowing Saddam to cause the suffering, and is failing. The humanitarian needs of the population are not being met. Lifting UN sanctions can be seen as a humanitarian means to address these shortfalls.

### **Humanitarian Outcome**

Would lifting of UN sanctions ensure a humanitarian outcome in Iraq? Would it be to the overall advantage of those whose name it is carried out? Clearly, the U.S. State Department would argue “there is ample proof that lifting sanctions would offer the Iraqi people no relief from neglect at the hands of their government...Saddam’s priorities are clear: palaces for himself, prisons for his people, and weapons to destroy Iraq’s citizens and its neighbors.”<sup>50</sup>

Saddam has continued to threaten the well-being of his people, and as a minimum, has made it difficult for the international community to provide humanitarian relief. Under an environment where he has complete control of all resources, why would he act differently?

Although Halliday will re-establish inspections and monitoring with regards to WMD, he outlines no such initiatives to monitor the degree of suffering among the population. Given this, it is unlikely a humanitarian outcome would be met simply by lifting sanctions.

### **Humanitarian Universality**

Initially, sanctions were supported by the international community. However, after ten years of the status quo, the key DESERT STORM coalition partners consisting of France,

Russia, and Saudi Arabia, is eroding. In 1996, UAE President Shaikh Zayid, suggested for the first time publicly that the Kuwaitis should attempt to relax tensions with Baghdad.<sup>51</sup>

During the recent presidential campaign, President George W. Bush and his advisors pointed to the Clinton Administration for neglecting Iraq policy, citing the end of UN arms inspections in 1998 and the erosion of support for sanctions on the UN Security Council. One of the initial critics of sanctions in Iraq, retired Gen. Colin L. Powell, now the Secretary of State, stated he will “work with our allies to reenergize the sanctions regime.”<sup>52</sup>

More disturbing is that the current policy may actually be helping Saddam. Recently, reporters from U.S. News and World Report traveled to Iraq and “became convinced of a dirty little secret about the U.S. policy toward Iraq: The status quo suits all parties well.”<sup>53</sup> They outline that: the sanctions help Saddam stockpile wealth by smuggling oil; the Oil for Food program has quelled some of the pressure building for sanctions relief, and sanctions continue to appease the U.S. Congress that in 1998 funded Iraqi opposition.

Although international support for the continuation of sanctions is questionable, there is little doubt that if the U.S. took the leadership role and initiated the lifting of sanctions, the international community would follow. It would take the UN out of its precarious position of being mandated to relieve suffering, yet being accused of causing suffering. Halliday’s alternative to relieve sanctions would likely receive universal support.

### **National Security Criteria**

National security criteria were determined utilizing objectives outlined in the UNSCR 687, the cease fire resolution, 1991, and the Iraq Liberation Act of 1998, section 3 (see Table 4).

## **Limiting Proliferation and Reduction of Weapons of Mass Destruction (WMD)**

The issue of proliferation and WMD is of major concern to the international community. In 1991, UNSCR 687 laid down obligations with which Iraq must comply: the destruction of its WMD under international supervision; submit full details of locations, amounts and types of weaponry; undertake not to use, develop, construct or acquire WMD in the future, and; to cooperate with the UNSCOM in carrying out these obligations.

Scott Ritter, an inspector from UNSCOM who resigned in September 1998 because of what he classified as “the manipulation by the government in the process of weapons inspections”, argues that Iraq possesses no WMD.<sup>54</sup>

“Lets talk about weapons production. The point is today there are no weapons of mass destruction of any meaningful scale in Iraq and should UN weapons inspectors be brought back into Iraq...Iraq will not be able to reconstitute these weapons. This is the reality.”<sup>55</sup>

The U.S. State Department argues to the contrary, stating that: Iraq has not fully declared and destroyed its WMD program; Iraq had “decided to hide weapons and major components of these programs, secretly destroy older, less-capable weapons and equipment, and; gave UN inspectors fraudulent declarations to mask weapons and equipment.”<sup>56</sup>

Halliday calls for the re-establishment of inspections and monitoring and impose smart sanctions in respect to weapons purchasing. In addition, re-opening a dialogue between the U.S. and Baghdad may lead to influence and positive change. As a provision of lifting sanctions, Baghdad would have to allow the re-establishment of inspectors.

Ritter states that by lifting sanctions, there is a great concern that we may be empowering a brutal dictator by giving him the means of reconstructing WMD.<sup>57</sup> Destruction of WMD through inspection by UNSCOM was very successful. Although it can be argued that we will

never be able to fully control proliferation in the region,<sup>58</sup> the reinstatement of UNSCOM, the implementation of UNMOVIC (or something like it), would be beneficial in our attempt to limit Iraq's ability to develop and obtain WMD. Given this, Halliday's alternative would be supportive of limiting WMD and proliferation.

### **Containment and Regional Stability**

Halliday's alternative to lift sanctions in exchange for international inspections supports containment by monitoring and constraining Saddam's military capabilities and, it can be argued, improve regional stability. However, by lifting sanctions, Saddam has the full use of oil revenue at his disposal.

### **Removal of Saddam Hussein**

The desire to overthrow Saddam was formalized in the Iraq Liberation Act of 1998. Many argue against the feasibility of such an approach. David Isenberg, an analyst with DynMeriden, states, "The ILA may go down in history as the single most ill-conceived attempt to covert action during the Clinton Administration. Both the act's conception and its execution are fatally flawed."<sup>59</sup>

Halliday views the U.S. attempt to overthrow Saddam as American arrogance - "The thinking seems to be. 'We've tried everything else, so why not promote an invasion and see what happens? Who knows, maybe we'll get somebody out of this who can keep things quiet for the next twenty years.'"<sup>60</sup>

### **Sustainable International and Domestic Support**

Halliday's alternative would be supported on the international front. Many countries are tiring of a decade of sanctions, no-fly zones, and sporadic attempts to organize opposition groups

while Saddam continues his grip on power, arguably stronger than before.

Domestic support for sanction relief is another issue – any action viewed as supporting a brutal dictator would be seen as a weakness. Scott Ritter stated “Prior to the Gulf War, the U.S. spent a lot of time preparing the American people for the prospect of sending its young servicemen and women abroad to fight...and they did so by demonizing Saddam Hussein, a man who, frankly speaking, is very easy to demonize.”<sup>61</sup>

Halliday’s recommendation to postpone payments of reparations except for payments to those individuals who have yet to be compensated for lost homes and employment would add to the questionable domestic support. Clearly, a public affairs strategy would need to be developed to educate the public on the benefits of such action.

## ANALYSIS OF ANTHONY CORDESMAN'S ALTERNATIVE

*"In terms of the Oil for Food deal with Iraq, we have applied a broad, legalistic restriction, rather than focusing tightly on sensitive items. The end result is that we appear to be the cause of the hardships of the Iraqi people, and give Saddam Hussein aid in undercutting sanctions."*

*Anthony Cordesman*<sup>62</sup>

Anthony Cordesman, a Senior Fellow of Strategic Assessment for the Center for Strategic and International Studies (CSIS), has written and lectured extensively on national security and in particular, the Middle East.

In a number of publications,<sup>63</sup> Cordesman has outlined alternative policies for dealing with Iraq and the Middle East, see Box 3 page 46.

### Box 3 – Anthony Cordesman's Alternative Policy for Iraq

- Make the existing system work.
- Maintain sanctions on Iraq's conventional arms imports.
- Treat arms control, supplier agreements, and sanctions as weapons in a continuing struggle, and not as solutions or any exercise in international law.
- Go for the jugular in trying to block meaningful technology transfer, arms control, etc. but keep the effort tightly focused on what matters.
- Stay focused on what matters. Legislation like the Iran-Libya Sanctions Act alienates our allies and makes it difficult to concentrate on proliferation issues. Similarly, our lack of focus on the Oil for Food program and our failure to focus tightly on sensitive items is eroding our sanctions policy.
- Understand counterproliferation is a battle of perception in which credibility is essential.
- Recognize we are in a long-term battle to influence regional intellectual elite and public opinion. The US badly mishandled the hardship and Oil for Food issue.
- Use diplomacy cautiously, but wisely.
- We need to encourage the overthrow of the current regime; either support a professional covert action program or wait for history to take its course – but back away from the public circus we have created over trying to overthrow Saddam.
- Restructure US forces to attack, defeat, and retaliate.
- Create defensive capabilities, but don't exaggerate their importance.
- Make homeland defense a key issue.
- Maintain UNSCOM and IAEA inspection activity as long as possible (or UNMOVIC).
- Support UNSCOM/IAEA activity by maintaining and improving the US military option to strike Iraq.
- Lay the ground work for post-sanctions UNSCOM monitoring activity.

## **Analysis of Cordesman's Alternative**

Unlike Halliday, Anthony Cordesman frames Iraq policy from a national security perspective. To this end, he sees “deep fault lines in U.S. strategy that goes beyond Saddam” which include: <sup>64</sup>

- the lost battle for the hearts and minds of the Arab world,
- containing Saddam, or a similar regime, for several years, complicated by the cash flow from the Oil for Food program,
- the Arab-Israeli peace crisis, creating a strategic problem for the U.S.,
- the security structure in the Gulf is in growing disarray,
- Iranian proliferation,
- problems in creating a unified coalition approach,
- failure to communicate the importance of proliferation, and
- failure to restructure our force plans beyond conventional warfare.

In terms of the Oil for Food program, Cordesman sees the most important problem is “finding ways to deal with the political and economic consequences of the hardships faced by the Iraqi people and the radical changes taking place in the Oil for Food deal.” <sup>65</sup>

Although Cordesman hints at targeted, focused sanctions on conventional arms imports, he does not recommend a lifting of sanctions until a new regime had demonstrated its character. And, above all, the U.S. should not passively allow Iraq to go around the sanctions prior to them being lifted. <sup>66</sup> He sees our failure to shape the public debate with the Oil for Food program as a major problem.

## **Humanitarian Cause and End**

Cordesman believes it is important for the U.S. to be viewed as doing everything possible to relieve the hardship caused by the regime, not sanctions. The U.S. must monitor the Oil for

Food program to: engage Saddam at every level, attack every disorder and misuse, and to “attack Saddam Hussein’s regime on a broader level: the impoverishment of the Iraqi people over decades and the systematic mismanagement of the economy.”<sup>67</sup>

“Since 1991, it (the US) has paid lip service to the hardships of the Iraqi people, it has never given ‘oil for food’ and the suffering of ordinary Iraqis the high policy profile needed to establish US credibility. It has passively allowed Iraq to manipulate the data...intensifying Iraqi publicity campaign to case the UN sanctions as the villain, to publicize and exaggerate and actual level of suffering...”<sup>68</sup>

The integration of politics into the Oil for Food program is obvious. The current sanctions policy with the Oil for Food program has not stopped the deprivation in Iraq – and attempts to shape the public debate may be needed, but will have little effect on changing the status of the living conditions of the populace. Cordesman’s recommendation does not meet the criteria for a humanitarian cause and end.

### **Humanitarian Means and Outcome**

As stated in our review of Halliday’s alternative, the current policy in Iraq is either causing the suffering or allowing Saddam to cause the suffering. We have determined that sanctions coupled with the Oil for Food program does not meet the criteria of humanitarian means or outcome in this context.

Cordesman calls for greater accountability and oversight in the current Oil for Food program, so Saddam takes the responsibility for the hardships of his people. In addition, we should refocus on winning the Oil for Food propaganda war by:

- replacing UNSCOM with convincing documentation that Iraq continues to proliferate,
- make a sustained case that Saddam has been the key problem,

- convince the world we really care about the Iraqi people,
- make the case that much of the problem with the flow of aid is the fault of the Iraqi government, and,
- spend our time on complex Iraqi compliance not on a future posed by Iraqi proliferation.<sup>69</sup>

From a humanitarian perspective, winning the propaganda war falls short in assuring sufficient humanitarian assistance to the Iraqi population.

### **Humanitarian Universality**

Would Cordesman's alternative be endorsed universally by the humanitarian community? Unlikely. In its entirety, his alternative is not seen as a humanitarian program. Although he calls for strengthening the oversight for Oil for Food, it is not done with the intent to better those in whose name it is carried out – it is done to point the finger at Saddam to effect public opinion in Iraq and around the world.

### **Limiting Proliferation and Reduction of Weapons of Mass Destruction (WMD)**

Cordesman believes it is not likely Saddam will stop proliferation after holding on to it for years. He recommends:<sup>70</sup>

- keep pressure and try to make new UN inspections effective,
- force Iraq to keep its efforts limited and covert,
- keep Iraq so militarily weak that the threat to use its nuclear, biological, or chemical (WMD) will not be credible or intimidating, and,
- contain Iraq until a new ruling regime emerges.

He also sees proliferation as inevitable – “time, politics, and technology make it far more likely that we will have to learn to live with proliferation as an established fact of life.”<sup>71</sup>

Under his recommendation, reestablishment of UNSCOM, getting serious on blocking

technology transfer and arms exports, structuring our forces offensively, working to not alienate partners and improving our intelligence strongly supports this criteria.

### **Containment and Regional Stability**

Sanctions have been successful in limiting WMD and proliferation which, in turn, can be seen assisting in the containment of Iraq. Cordesman's focus on a strong offensive capability and improving the U.S. military option to strike Iraq, coupled with the sanctions, would at a minimum continue the current level of containment.

### **Removal of Saddam Hussein**

Cordesman sees the current efforts to overthrow Saddam as weak and ineffective; yet, the encouragement of an overthrow is needed if proliferation is to be limited. His alternative supports the removal of Saddam and includes recommendations to:<sup>72</sup>

- reiterate the US view that Iraq remain unified,
- concentrate on directly attacking Saddam's misgovernment and tyranny,
- persuade Kuwait and Saudi Arabia to forgive debt and reparations if Saddam's regime falls,
- send clear signals that the U.S. will not intervene in the internal affairs of Iraq if a new regime meets certain criteria,
- send signals that the U.S. would support and end sanctions on conventional arms imports, and detail UN control over Oil for Food once a new regime has demonstrated its character.

### **Sustainable International and Domestic Support**

Continued support of sanctions and the Oil for Food program is questionable.

Cordesman recommends "we treat arms control, supplier agreements, and sanctions as weapons

in a continuing struggle, and not as solutions or any exercise in international law.”<sup>73</sup>

A lack of a unified UN, or Coalition approach, to the region is a major concern.

In Cordesman’s opinion, “the U.S. cannot count on future UN support...this means restructuring both U.S. power projection capabilities and regional security policies...the U.S. must also gradually assert its own vital strategic interests...rather than relying on UN, Coalition, or Western consensus.”<sup>74</sup> International support, as well as domestic support, for this U.S. increased role is in question.

### Conclusion Regarding Alternative Policies

Both alternatives that were analyzed demonstrate major deficiencies in either meeting the national security criteria and/or the human intervention criteria. With such omissions, the alternatives will likely meet resistance and successful implementation is therefore unlikely.

Table 5 summarizes the current and leading alternative policy recommendations.

**Table 5 – Current Policy and Alternatives Evaluation Based on Established Criteria**

| CRITERIA                                     | CURRENT | CORDESMAN | HALLIDAY |
|--|---------|-----------|----------|
| <b>National Security:</b>                    |         |           |          |
| - Limit Proliferation                        | Y       | N         | Y        |
| - Reduction of WMD                           | Y/?     | N         | Y        |
| - Containment                                | Y       | N         | Y        |
| - Removal of Saddam Hussein                  | N       | N         | Y/?      |
| - Regional Stability                         | ?       | N         | Y        |
| - Sustain International and Domestic Support | ?       | ?         | ?        |
| <b>Humanitarian Intervention:</b>            |         |           |          |
| - Humanitarian Cause                         | N       | Y         | N        |
| - Humanitarian End                           | N       | Y         | N        |
| - Humanitarian Approach                      | N       | Y         | N        |
| - Humanitarian Means                         | N       | Y         | N        |
| - Humanitarian Outcome                       | N       | ?         | ?        |
| - Humanitarian Universality                  | N       | Y         | ?        |

Note: (Y) = Meets Criteria; (N) = Does Not Meet Criteria; (?) = Undecided/Questionable

### **SECTION III**

#### **RECOMMENDATION**

In the case of Iraq, all the available policy options have potential powerful negative outcomes. No policy can avoid the contradictions inherent in choosing between the near-term security provided by sanctions and containment, and the resulting costs in terms of Iraqi revanchism and human suffering.

The UN is still committed to a policy of sanctions, but it is clear that there no longer is international unity in pursuing this policy, and there is little meaningful chance of forging lasting consensus among the Western, Gulf, and other nations that deal with Iraq around any new policy. The U.S. and its allies can influence the policy of other states, and may be able to shape much of the outcome of debate within the UN, but it cannot count on the full support of many of its allies. Policy towards Iraq will inevitably become steadily more adversarial as nations increasingly become divided over the enforcement of sanctions and the level of military containment.

Ten years of the repressive regime of Saddam has shown us one thing – we have to deal with him. The Iraq Liberation Act, arguably an overt declaration pushing for covert action which calls for the overthrow of Saddam, serves no purpose and only fuels the passionate argument of U.S. unbridled arrogance. Continued use of sanctions further fuels this fire.

Yet, most will agree that Saddam Hussein represents “a threat to international peace and security,” a term utilized in many UN Security Council resolutions. Here lies the problem – the threat is Saddam Hussein’s regime, not Iraq, but how do we deal with the difference? How do we stop Iraqi suffering under this regime? Should we?

Following an extensive review of both Halliday’s and Cordesman’s alternatives, along with extensive reading and research, we have provided our own set of recommendations (see

Box 4). We feel combining the best of Halliday and Cordesman recommendations, coupled with our military experience in the Middle East, provides the best answers to the questions facing the new Bush Administration.

We have framed our recommendations from both a national security and humanitarian perspective. We propose as the principle alternative to economic sanctions an agenda best described as *conditional engagement*. Under conditional engagement, a mix of narrow sanctions coupled with political and economic interactions that are limited and made conditional on specified behavioral changes, would be the best approach toward Iraq.

Simply, we believe that maintaining economic sanctions in Iraq is counterproductive to the U.S. long term goal – influence in the region. Sanctions and the Oil for Food program have had two main effects: (1) they have allowed Saddam Hussein to use them as a propaganda tool against the U.S., thus developing a generation of hatred within Iraq toward the West, which we will have to deal with for years to come, and (2) although sanctions may have limited proliferation of WMD in the past, without the inspection process in place, there is no assurance for the future.

## **Analysis of NSF Recommendation**

### **Humanitarian Cause and End**

Economic sanctions are blunt instruments that often produce unintended and undesirable consequences. This has been the case in Iraq as we have previously documented in this paper. Therefore, we recommend the lifting of all economic and political sanctions in return for Iraqi compliance with the terms of the UN cease-fire, requiring full Iraqi compliance in providing reparations, and the recognition by Iraq of its new borders with a sovereign Kuwait. The bad side effects of sanctions are lifting them unilaterally without exacting something in return

#### Box 4 - Policy Recommendation

- ◆ Lift all economic and political sanctions in return for Iraqi compliance with the terms of the UN cease-fire, requiring full Iraqi compliance in providing reparations and the recognition by Iraq of its new borders with a sovereign Kuwait
- ◆ Keep in place sanctions that prevent the import of any items to enhance or grow the Iraqi military machine and WMD program. Restrict flow of technology that can be applied to WMD. Develop an export control process that limits Iraq's importation of specific goods.
- ◆ Allow unlimited production of oil while diverting a sufficient amount of money to pay applicable war reparations (Kuwait, etc.)
- ◆ Permit foreign countries to enter into Iraq to fulfill contracts for business within the country, especially the U.S. Belief in the positive influence of private investment – companies help advance their social, political, and economic institutions.
- ◆ Insist on the insertion of UNMOVIC to monitor the WMD program within Iraq. In addition, if UNMOVIC is allowed to enter country, no-fly/no-drive zones will be lifted.
- ◆ Grant amnesty for everyone in the Iraqi government (except Saddam) when a new regime comes to power.<sup>75</sup>
- ◆ Support Iraqi territorial integrity and unity (to dispel belief we want to break it up).
- ◆ Establish UN human rights monitors.
- ◆ Flood Iraq with humanitarian goods. Proportion a specified amount of money to the ICRC, or any other objective non-government organization – for humanitarian goods and distribution, to include infrastructure (hospital, water/sanitation, etc).
- ◆ Increase, re-energize diplomacy (preventive, forward thinking).
- ◆ Rescind the Iraq Liberation Act – get out of internal politics in Iraq.
- ◆ Promote America's central themes – democracy, freedom, human rights.
- ◆ Win the 'public relations' battle against Hussein...increase diplomacy with allies.
- ◆ Require full accountability of all Kuwaiti prisoners of war (POWs) from the Gulf War.
- ◆ Iraq renounce any territorial claim to Kuwait.
- ◆ Allow Iraqi citizens to study abroad.

is not an acceptable option. Dictators such as Saddam Hussein, who can make an ounce of capital out of being punished, will assuredly make a ton of it if they are seen to have faced down international pressure without shifting their own position. The UN, and the U.S., as the sanctioners, at the very least, must be no less ingenious than the sanctioned. It is time to lift the economic and political sanctions to relieve the suffering of the Iraqi people.

When sanctions are lifted, over \$10B from Iraqi oil sales will be available from an escrow account currently being maintained by the UN. We recommend these funds be turned over to the ICRC, or some other independent non-government organization, responsible

for the purchase and equitable distribution of humanitarian items to start the process of bringing Iraq out of its current third world status.

### **Humanitarian Means and Outcome**

We believe that the economic sanctions and the Oil for Food program have created the effect of bolstering this authoritarian society. By creating scarcity, the Iraqi government is better able to control the distribution of goods. This has created a dangerous moral dilemma in that innocents are effected as well as practical in that sanctions that harm the population at large has brought about vicious side effects that include: bolstering the regime and decimating the middle class and civil society. We propose shifting the blame for sanctions to Saddam Hussein by offering massive shipment of humanitarian aid without compensation – effectively limiting what Iraq can import and defusing the human problem.

In the Arab world, the U.S. is perceived as having lost the propaganda war with Saddam Hussein. Arabs throughout the Middle East believe the U.S. continued support for economic sanctions against Iraq is the cause of suffering and deaths within the Iraqi population. Also, by lifting the economic sanctions to include the Oil for Food program, the responsibility falls back onto the shoulders of Saddam and his government to feed the Iraqi people, not the UN, thereby robbing him of his greatest propaganda tool.

### **Limiting Proliferation and Reduction of WMD**

We believe it is extremely important to keep in place those sanctions that prevent the import of any items that enhance or grow the Iraqi military machine and its WMD program. Additionally, restrictions/monitoring should be placed on any technology that Iraq attempts to

export. The insertion of UNMOVIC to monitor the WMD program within Iraq is critical. We believe the restrictions associated with the no-fly/no-drive zones should be removed once Iraq agrees to monitoring.

### **Containment and Regional Stability**

The current condition of the Iraqi military coupled with the forward presence of U.S. military forces will prevent it from conducting any sort of power projection quests for several years. As mentioned earlier in this paper, movement of Iraqi military forces is closely monitored to ensure they are contained. To enhance regional stability, we propose allowing foreign countries to enter into Iraq to fulfill contracts for business within the country, especially the U.S.. We support and believe in the positive influence of private business to help advance Iraqi social, political, and economic institutions.

The U.S. should unequivocally state its support for the territorial integrity of Iraq thus dispelling any belief or misconception in the Arab world of our desire to break up Iraq.

### **Removal of Saddam Hussein**

A major war, over ten years of sanctions, numerous coalitions formed against him, and the ILA have failed to remove Saddam from power. If nothing else, our policies have strengthened his ironclad hold on the country of Iraq. Saddam Hussein is not going away – we must get out of the internal politics of Iraq. The Arab world, according to the former Ambassador to Chad, Mr. Lawrence Pope, believes that the U.S. and Israel are determined to maintain Iraq as a collapsed state for as long as possible.<sup>76</sup> Rescinding the ILA will bolster our standing within the Arab world. There is no support for the removal of Saddam. Lastly, the

West needs to abandon unrealistic demands for war crimes trials, instant democracy, short term human rights objectives.

**Sustainable International and Domestic Support**

International support for the continuing of the status quo decreases by the day. Many Arab countries expressed their dismay at not being contacted prior to the latest round of bombings near Baghdad. Currently, only one other country flies aircraft alongside the U.S. to enforce the no-fly/no-drive zones. Additionally, if a U.S. aviator was shot down and captured, American support for our activities would surely decrease and place the Bush Administration in a quandary. Lastly, our own U.S. troops are fatigued from numerous rotations to the Gulf and the constant fear of terrorist attacks.

Table 6 summarizes our recommendation against the established national security and humanitarian intervention criteria.

**Table 6 – Summation of Recommended Alternative Against the Established Criteria**

| CRITERIA   | RECOMMENDATION*            |
|--|----------------------------|
| <b>National Security:</b><br>- Limit Proliferation<br>- Reduction of WMD<br>- Containment<br>- Removal of Saddam Hussein<br>- Regional Stability<br>- Sustain International and Domestic Support | Y<br>Y<br>Y<br>N<br>Y<br>Y |
| <b>Humanitarian Intervention:</b><br>- Humanitarian Cause<br>- Humanitarian End<br>- Humanitarian Approach<br>- Humanitarian Means<br>- Humanitarian Outcome<br>- Humanitarian Universality      | Y<br>Y<br>Y<br>Y<br>Y<br>? |

\* Y = meets criteria, N = does not meet criteria, ? = unknown/undetermined

## CONCLUSION

*“Authoritarian leaders may be able to consolidate their hold on power by exploiting sanctions, and the evidence they provide of international hostility, to stroke the fires of nationalist sentiment.”*  
Aryeh Neier<sup>77</sup>

Economic sanctions in Iraq are not working.

Unarguably, the sanctions have contained Saddam’s military – but are economic sanctions the only way we can achieve this end? The consequences from ten years of sanctions has resulted in our inability to separate the dictator (Saddam Hussein) and his people (Iraq) which pose a great threat to our future with Iraq, our presence in the region, and our national security interests.

The widespread use of economic sanctions constitutes one of the paradoxes of contemporary foreign policy. Sanctions are frequently criticized, even derided. Fortunately or unfortunately (depending on your point of view), sanctions are fast becoming the tool of choice for the U.S. in the post-cold war world. Sanctions in the case of Iraq are being employed by the U.S. to halt the proliferation of WMD and punish Iraq for its invasion of Kuwait in August 1990. Additionally, economic sanctions are being used to reinforce a commitment to a behavioral norm such as opposition to the proliferation of WMD. Since Saddam is anything but the “norm”, could it be that economic sanctions are the alternative of choice due to American reluctance to utilize the military intervention option? Sanctions provide a visible and less expensive alternative to military intervention as opposed to doing nothing.

Economic sanctions, even when comprehensive and enjoying universal international backing, have failed to dislodge Saddam or any of his cronies from power within Iraq. Ten years of economic sanctions have created a humanitarian disaster rivaling that of many third-world

African countries. Almost five years of the oil for food program has failed to stem this tide of further suffering of the Iraqi people.

Economic sanctions should focus on those responsible for the offending behavior in the realm that stimulated the sanctions in the first place. Secretary of State Colin Powell's recent trip to the Middle East highlighted the failure of the economic sanctions and the need to refocus the Allied efforts against the leadership of Iraq and away from the Iraqi people. However, his proposal to contain the smuggling of Iraqi oil (and other goods) by requesting the sealing of borders with countries such as Syria and Jordan is impossible. These countries can ill afford to turn away profitable business with a neighbor nor is the U.S. willing to pay Jordan over \$300M per year to close its border with Iraq. Additionally, smuggling of Iraqi oil in the Persian Gulf has continued for almost 10 years. Are we under some grand illusion that 10 years of work by Allied navies enforcing the Maritime Intercept Program will now magically halt oil smuggling by Iraq?

It is increasingly clear that the west and southern Gulf states need to end the economic sanctions and treat them as a different issue from seeking changes in the Iraqi regime and military containment. Saddam has few friends, but international support for economic measures whose net impact has dramatically punished the Iraqi people has been steadily eroding. Sanctions have had a high humanitarian cost, and it is far from clear that they can force a change in Iraq's government. We believe they cannot. The economic sanctions and UN Security Council resolutions are clearly dividing Western and Arab nations over Iraq, are almost certainly making Iraq's population more hostile to the West and other moderate states, and their long-term cost will well exceed any short-term benefits.

The answer, however, is not only to simply lift economic sanctions. It is certain that any peace between Iraq and Kuwait will not be an easy one. The UN should not only insist that Iraq

accept the UN Security Council resolutions that will prevent Iraq from rapidly recovering its capability to deliver WMD, the UN should insist on obtaining firm Iraqi recognition of Kuwait's sovereignty and new border. Similarly, the UN needs to press for a clear autonomy arrangement that protects Iraq's Kurds.

Kuwait and Saudi Arabia also need to come fully to grips with their demands for repayment of debt and reparations. Also, the West needs to abandon unrealistic demands for war crimes trials and instant democracy and human rights. There are disturbing parallels between the kind of peace the UN has enforced on Iraq in terms of sanctions, potential war crimes trials, reparations, and loan repayments on Iraq and the kind of peace the allies forced on Germany after World War I. Once again, the west and the southern Gulf need to remember that it is more important to make history than remember it. Not every tragedy needs to have a second act.

The humanitarian crisis in Iraq is real – regardless of who is causing it, the West is being blamed for it. “The suffering caused by UN sanctions is creating broad Iraqi resentment of the U.S., Kuwait, and Saudi Arabia...(the) resulting revanchism may well survive Saddam Hussein, and could play an important role in shaping Iraqi politics and actions for several decades.”<sup>78</sup>

The UN, and consequently the U.S., is in a no-win situation with Iraq. If Saddam violates any of the numerous Security Council resolutions, the sanctions will be maintained. If Saddam abides by all of the resolutions, we will not trust him, and sanctions will be maintain. The Liberation Act of 1998 sent a clear message to Saddam -- we will not stop pressuring Iraq until he is gone.<sup>79</sup>

A new policy toward Iraq is needed – one with common sense criteria and reasonable objectives. Ending economic sanctions, maintaining “smart” sanctions on items that will enhance or grow Iraqi's military and technology that can be used for WMD, and establishing a

policy of 'engagement' will meet our national security objectives. With economic sanctions ended, the UN can begin to improve the humanitarian crisis in Iraq without being seen as causing the suffering. Using the lifting of sanctions as a carrot, Iraq may be open to additional humanitarian assistance, and oversight by humanitarian organizations.

The time for a new policy is now. With the recent change in U.S. leadership, the Bush Administration should use this opportunity and establish a new, clear policy toward Iraq. From our perspective, we are worse off today than we were ten years ago. Saddam Hussein maintains his brutal dictatorship and an entire population is learning to hate the West, specifically the U.S. If we maintain the current policy, what would we expect to change?

Remove economic sanctions that mainly effect the well-being of the Iraqi population, limit proliferation by establishing "smart" sanctions on military and technology items that could be used for WMD -- and act swiftly and decisively when these sanctions are breached to maintain U.S. credibility, and begin to win the propaganda war, at all levels, by engaging Iraq at every opportunity. In addition, we must renew our coalition building activities – the U.S. plays an essential leadership role in forming and maintaining these critical relationships. This is the way to develop a strategic direction whereby we may shape events.

## APPENEDIX 1

### RESOLUTION 661 (1990)

Adopted by the Security Council at its 2933rd meeting, on 6 August 1990

*The Security Council,*

*Reaffirming* its resolution 660 (1990) of 2 August 1990,

*Deeply concerned* that that resolution has not been implemented and that the invasion by Iraq of Kuwait continues, with further loss of human life and material destruction,

*Determined* to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

*Noting* that the legitimate Government of Kuwait has expressed its readiness to comply with resolution 660 (1990),

*Mindful* of its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

*Affirming* the inherent right of individual or collective self-defense, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

*Acting* under Chapter VII of the Charter,

1. *Determines* that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;

2. *Decides*, as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;

3. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;

(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. *Decides* that all States shall not make available to the Government of Iraq, or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or

resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;

5. *Calls* upon all States, including States non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or license granted before the date of the present resolution;

6. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;

7. *Calls* upon all States to co-operate fully with the Committee in the fulfillment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

8. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for that purpose;

9. *Decides* that, notwithstanding paragraphs 4 to 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and calls upon all States:

(a) To take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;

(b) Not to recognize any regime set up by the occupying Power;

10. *Requests* the Secretary-General to report to the Security Council on the progress made in the implementation of the present resolution, the first report to be submitted within thirty days;

11. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.

## APPENDIX 2

### RESOLUTION 661 (1990)

Adopted by the Security Council at its 2933rd meeting, on 6 August 1990

*The Security Council,*

*Reaffirming* its resolution 660 (1990) of 2 August 1990,

*Deeply concerned* that that resolution has not been implemented and that the invasion by Iraq of Kuwait continues, with further loss of human life and material destruction,

*Determined* to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

*Noting* that the legitimate Government of Kuwait has expressed its readiness to comply with resolution 660 (1990),

*Mindful* of its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

*Affirming* the inherent right of individual or collective self-defense, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

*Acting* under Chapter VII of the Charter,

1. *Determines* that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;

2. *Decides*, as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;

3. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;

(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. *Decides* that all States shall not make available to the Government of Iraq, or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;

5. *Calls* upon all States, including States non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or license granted before the date of the present resolution;

6. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;

7. *Calls* upon all States to co-operate fully with the Committee in the fulfillment of its tasks, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

8. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for that purpose;

9. *Decides* that, notwithstanding paragraphs 4 to 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and calls upon all States:

(a) To take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;

(b) Not to recognize any regime set up by the occupying Power;

10. *Requests* the Secretary-General to report to the Security Council on the progress made in the implementation of the present resolution, the first report to be submitted within thirty days;

11. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.

## APPENDIX 3

### The Iraq Liberation Act of 1998

H. R. 4655

One Hundred Fifth Congress  
of the  
United States of America

#### AT THE SECOND SESSION

*Began and held at the City of Washington on Tuesday,  
the twenty-seventh day of January, one thousand nine hundred and ninety-eight*

## An Act

To establish a program to support a transition to democracy in Iraq.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraq Liberation Act of 1998".

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) On September 22, 1980, Iraq invaded Iran, starting an 8 year war in which Iraq employed chemical weapons against Iranian troops and ballistic missiles against Iranian cities.

(2) In February 1988, Iraq forcibly relocated Kurdish civilians from their home villages in the Anfal campaign, killing an estimated 50,000 to 180,000 Kurds.

(3) On March 16, 1988, Iraq used chemical weapons against Iraqi Kurdish civilian opponents in the town of Halabja, killing an estimated 5,000 Kurds and causing numerous birth defects that affect the town today.

(4) On August 2, 1990, Iraq invaded and began a 7 month occupation of Kuwait, killing and committing numerous abuses against Kuwaiti civilians, and setting Kuwait's oil wells ablaze upon retreat.

(5) Hostilities in Operation Desert Storm ended on February 28, 1991, and Iraq subsequently accepted the ceasefire conditions specified in United Nations Security Council Resolution 687 (April 3, 1991) requiring Iraq, among other things, to disclose fully and permit the dismantlement of its weapons of mass destruction programs and submit to long-term monitoring and verification of such dismantlement.

(6) In April 1993, Iraq orchestrated a failed plot to assassinate former President George Bush during his April 14- 1993, visit to Kuwait.

#### H. R. 4655-2

(7) In October 1994, Iraq moved 80,000 troops to areas near the border with Kuwait, posing an imminent threat of a renewed invasion of or attack against Kuwait.

(8) On August 31, 1996, Iraq suppressed many of its opponents by helping one Kurdish faction capture Irbil, the seat of the Kurdish regional government.

(9) Since March 1996, Iraq has systematically sought to deny weapons inspectors from the United Nations Special Commission on Iraq (UNSCOM) access to key facilities and documents, has on several occasions endangered the safe operation of UNSCOM helicopters transporting UNSCOM personnel in Iraq, and has persisted in a pattern of deception and concealment regarding the history of its weapons of mass destruction programs.

(10) On August 5, 1998, Iraq ceased all cooperation with UNSCOM, and subsequently threatened to end long-term monitoring activities by the International Atomic Energy Agency and UNSCOM.

(11) On August 14, 1998, President Clinton signed Public Law 105-235, which declared that "the Government of Iraq is in material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations."

(12) On May 1, 1998, President Clinton signed Public Law 105-174, which made \$5,000,000 available for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, developing and implementing agreements among opposition groups, compiling information to support the indictment of Iraqi officials for war crimes, and for related purposes.

### **SEC. 3. SENSE OF THE CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAQ.**

It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

### **SEC. 4. ASSISTANCE TO SUPPORT A TRANSITION TO DEMOCRACY IN IRAQ.**

(a) **AUTHORITY To PROVIDE Assistance.** - The President may provide to the Iraqi democratic opposition organizations designated in accordance with section 5 the following assistance:

(1) **BROADCASTING ASSISTANCE.**-(A) Grant assistance to such organizations for radio and television broadcasting by such organizations to Iraq.

(B) There is authorized to be appropriated to the United States Information Agency \$2,000,000 for fiscal year 1999 to carry out this paragraph.

(2) **MILITARY ASSISTANCE.**-(A) The President is authorized to direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training for such organizations.

(B) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed \$97,000,000.

(b) **HUMANITARIAN Assistance.**-The Congress urges the President to use existing authorities under the Foreign Assistance Act of 1961 to provide humanitarian assistance to individuals living in areas of Iraq controlled by organizations designated in accordance with section 5, with emphasis on addressing the needs of individuals who have fled to such areas from areas under the control of the Saddam Hussein regime.

## **H. R. 4655-3**

(c) **RESTRICTION ON Assistance.**-No assistance under this section shall be provided to any group within an organization designated in accordance with section 5 which group is, at the time the assistance is to be provided, engaged in military cooperation with the Saddam Hussein regime.

(d) **NOTIFICATION REQUIREMENT.**-The President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 at least 15 days in advance of each obligation of assistance under this section in accordance with the procedures applicable to reprogramming notifications under section 634A.

(e) **REIMBURSEMENT RELATING TO MILITARY ASSISTANCE.**

(1) **IN GENERAL.**-Defense articles, defense services, and military education and training provided under subsection (a)(2) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to paragraph (2).

(2) **AUTHORIZATION OF APPROPRIATIONS.**-There are authorized to be appropriated to the President for each of the fiscal years 1998 and 1999 such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under subsection (a)(2).

(f) **AVAILABILITY OF FUNDS.**(1) Amounts authorized to be appropriated under this section are authorized to remain available until expended.

(2) Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for the purposes described in this section.

(g) **AUTHORITY To PROVIDE Assistance.**-ActivitiesNCE.-Activities under this section (including activities of the nature described in subsection (b)) may be undertaken notwithstanding any other provision of law.

### **SEC. 5. DESIGNATION OF IRAQI DEMOCRATIC OPPOSITION ORGANIZATION.**

(a) **INITIAL DESIGNATION.**-Not later than 90 days after the date of the enactment of this Act, the President shall designate one or more Iraqi democratic opposition organizations that the President determines satisfy the criteria set forth in subsection (c) as eligible to receive assistance under section 4.

(b) **DESIGNATION OF ADDITIONAL ORGANIZATIONS.**-At any time subsequent to the initial designation pursuant to subsection (a), the President may designate one or more additional Iraqi democratic opposition organizations that the President determines satisfy the criteria set forth in subsection (c) as eligible to receive assistance under section 4.

(C) **CRITERIA FOR DESIGNATION.**-In designating an organization pursuant to this section, the President shall consider only organizations that

(1) include a broad spectrum of Iraqi individuals, groups, or both, opposed to the Saddam Hussein regime; and

(2) are committed to democratic values, to respect for human rights, to peaceful relations with Iraq's neighbors, to maintaining Iraq's territorial integrity, and to fostering cooperation among democratic opponents of the Saddam Hussein regime.

(d) **NOTIFICATION REQUIREMENT.**-At least 15 days in advance of designating an Iraqi democratic opposition organization pursuant to this section, the President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 of his proposed designation in accordance with the procedures applicable to reprogramming notifications under section 634A.

## **H. R. 4655-4**

### **SEC. 6. WAR CRIMES TRIBUNAL FOR IRAQ.**

Consistent with section 301 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138), House Concurrent Resolution 137, 105th Congress (approved by the House of Representatives on November 13, 1997), and Senate Concurrent Resolution 78, 105th Congress (approved by the Senate on March 13, 1998), the Congress urges the President to call upon the United Nations to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

### **SEC. 7. ASSISTANCE FOR IRAQ UPON REPLACEMENT OF SADDAM HUSSEIN REGIME.**

It is the sense of the Congress that once the Saddam Hussein regime is removed from power in Iraq, the United States should support Iraq's transition to democracy by providing immediate and substantial humanitarian assistance to the Iraqi people, by providing democracy transition assistance to Iraqi parties and movements with democratic goals, and by convening Iraq's foreign creditors to develop a multilateral response to Iraq's foreign debt incurred by Saddam Hussein's regime.

### **SEC. 8. RULE OF CONSTRUCTION.**

Nothing in this Act shall be construed to authorize or otherwise speak to the use of United States Armed Forces (except as provided in section 4(a)(2)) in carrying out this Act.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

## APPENDIX 4

### RESOLUTION 986 (1995)

Adopted by the Security Council at its 3519th meeting, on 14 April 1995

The Security Council,

Recalling its previous relevant resolutions,

Concerned by the serious nutritional and health situation of the Iraqi population, and by the risk of a further deterioration in this situation,

Convinced of the need as a temporary measure to provide for the humanitarian needs of the Iraqi people until the fulfillment by Iraq of the relevant Security Council resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Authorizes States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars every 90 days for the purposes set out in this resolution and subject to the following conditions:

(a) Approval by the Committee established by resolution 661 (1990), in order to ensure the transparency of each transaction and its conformity with the other provisions of this resolution, after submission of an application by the State concerned, endorsed by the Government of Iraq, for each proposed purchase of Iraqi petroleum and petroleum products, including details of the purchase price at fair market value, the export route, the opening of a letter of credit payable to the escrow account to be established by the Secretary-General for the purposes of this resolution, and of any other directly related financial or other essential transaction;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into the escrow account to be established by the Secretary-General for the purposes of this resolution;

2. Authorizes Turkey, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and the provisions of paragraph 1 above, to permit the import of petroleum and petroleum products originating in Iraq sufficient, after the deduction of the percentage referred to in paragraph 8 (c) below for the Compensation Fund, to meet the pipeline tariff charges, verified as reasonable by the independent inspection agents referred to in paragraph 6 below, for the transport of Iraqi petroleum and petroleum products through the Kirkuk-Yumurtalik pipeline in Turkey authorized by paragraph 1 above;

3. Decides that paragraphs 1 and 2 of this resolution shall come into force at 00.01 Eastern Standard Time on the day after the President of the Council has informed the members of the Council that he has received the report from the Secretary-General requested in paragraph 13 below, and shall remain in force for an initial period of 180 days unless the Council takes other relevant action with regard to the provisions of resolution 661 (1990);

4. Further decides to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the initial 180 day period, on receipt of the reports referred to in paragraphs 11 and 12 below, and expresses its intention, prior to the end of the 180 day period,

to consider favorably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 11 and 12 below indicate that those provisions are being satisfactorily implemented;

5. Further decides that the remaining paragraphs of this resolution shall come into force forthwith;

6. Directs the Committee established by resolution 661 (1990) to monitor the sale of petroleum and petroleum products to be exported by Iraq via the Kirkuk-Yumurtalik pipeline from Iraq to Turkey and from the Mina al-Bakr oil terminal, with the assistance of independent inspection agents appointed by the Secretary-General, who will keep the Committee informed of the amount of petroleum and petroleum products exported from Iraq after the date of entry into force of paragraph 1 of this resolution, and will verify that the purchase price of the petroleum and petroleum products is reasonable in the light of prevailing market conditions, and that, for the purposes of the arrangements set out in this resolution, the larger share of the petroleum and petroleum products is shipped via the Kirkuk-Yumurtalik pipeline and the remainder is exported from the Mina al-Bakr oil terminal;

7. Requests the Secretary-General to establish an escrow account for the purposes of this resolution, to appoint independent and certified public accountants to audit it, and to keep the Government of Iraq fully informed;

8. Decides that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and requests the Secretary-General to use the funds deposited in the escrow account:

(a) To finance the export to Iraq, in accordance with the procedures of the Committee established by resolution 661 (1990), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687 (1991) provided that:

(i) Each export of goods is at the request of the Government of Iraq;

(ii) Iraq effectively guarantees their equitable distribution, on the basis of a plan submitted to and approved by the Secretary-General, including a description of the goods to be purchased;

(iii) The Secretary-General receives authenticated confirmation that the exported goods concerned have arrived in Iraq;

(b) To complement, in view of the exceptional circumstances prevailing in the three Governorates mentioned below, the distribution by the Government of Iraq of goods imported under this resolution, in order to ensure an equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, by providing between 130 million and 150 million United States dollars every 90 days to the United Nations Inter-Agency Humanitarian Programme operating within the sovereign territory of Iraq in the three northern Governorates of Dihouk, Arbil and Suleimaniyeh, except that if less than one billion United States dollars worth of petroleum or petroleum products is sold during any 90 day period, the Secretary-General may provide a proportionately smaller amount for this purpose;

(c) To transfer to the Compensation Fund the same percentage of the funds deposited in the escrow account as that decided by the Council in paragraph 2 of resolution 705 (1991) of 15 August 1991;

(d) To meet the costs to the United Nations of the independent inspection agents and the certified public accountants and the activities associated with implementation of this resolution;

(e) To meet the current operating costs of the Special Commission, pending subsequent payment in full of the costs of carrying out the tasks authorized by section C of resolution 687 (1991);

(f) To meet any reasonable expenses, other than expenses payable in Iraq, which are determined by the Committee established by resolution 661 (1990) to be directly related to the export by Iraq of petroleum and petroleum products permitted under paragraph 1 above or to the export to Iraq, and activities directly necessary therefor, of the parts and equipment permitted under paragraph 9 below;

(g) To make available up to 10 million United States dollars every 90 days from the funds deposited in the escrow account for the payments envisaged under paragraph 6 of resolution 778 (1992) of 2 October 1992;

9. Authorizes States to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990):

(a) The export to Iraq of the parts and equipment which are essential for the safe operation of the Kirkuk-Yumurtaalik pipeline system in Iraq, subject to the prior approval by the Committee established by resolution 661 (1990) of each export contract;

(b) Activities directly necessary for the exports authorized under subparagraph (a) above, including financial transactions related thereto;

10. Decides that, since the costs of the exports and activities authorized under paragraph 9 above are precluded by paragraph 4 of resolution 661 (1990) and by paragraph 11 of resolution 778 (1991) from being met from funds frozen in accordance with those provisions, the cost of such exports and activities may, until funds begin to be paid into the escrow account established for the purposes of this resolution, and following approval in each case by the Committee established by resolution 661 (1990), exceptionally be financed by letters of credit, drawn against future oil sales the proceeds of which are to be deposited in the escrow account;

11. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the initial 180 day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) above, including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 above;

12. Requests the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to develop expedited procedures as necessary to implement the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of this resolution and to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the initial 180 day period on the implementation of those arrangements;

13. Requests the Secretary-General to take the actions necessary to ensure the effective implementation of this resolution, authorizes him to enter into any necessary arrangements or agreements, and requests him to report to the Council when he has done so;

14. Decides that petroleum and petroleum products subject to this resolution shall while under Iraqi title be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and to ensure that the proceeds of the sale are not diverted from the purposes laid down in this resolution;

15. Affirms that the escrow account established for the purposes of this resolution enjoys the privileges and immunities of the United Nations;

16. Affirms that all persons appointed by the Secretary-General for the purpose of implementing this resolution enjoy privileges and immunities as experts on mission for the United Nations in accordance with the Convention on the Privileges and Immunities of the United Nations, and requires the Government of Iraq to allow them full freedom of movement and all necessary facilities for the discharge of their duties in the implementation of this resolution;

17. Affirms that nothing in this resolution affects Iraq's duty scrupulously to adhere to all of its obligations concerning servicing and repayment of its foreign debt, in accordance with the appropriate international mechanisms;

18. Also affirms that nothing in this resolution should be construed as infringing the sovereignty or territorial integrity of Iraq;

19. Decides to remain seized of the matter.

## ENDNOTES

- <sup>1</sup> Andrew Borowiec, *European Nations Heighten Call for End of Sanctions* (Washington, DC: The Washington Times Newspaper, January 18, 2001), A11.
- <sup>2</sup> *Oil for Food Basic Facts* (New York, NY: United Nations Office of the Iraq Program, 2001), 1. ([www.un.org/Depts/oip/reports/basfact](http://www.un.org/Depts/oip/reports/basfact))
- <sup>3</sup> Oliver Ramsbotham, *Humanitarian Intervention in Contemporary Conflict* (Cambridge, MA: Blackwell Publishers Inc., 1996) 225.
- <sup>4</sup> *Oil for Food Basic Facts* 1. ([www.un.org/Depts/oip/backgroundindex.html](http://www.un.org/Depts/oip/backgroundindex.html))
- <sup>5</sup> *Oil for Food Basic Facts* 1. ([www.un.org/depts/oip/scrs/scr1153.html](http://www.un.org/depts/oip/scrs/scr1153.html))
- <sup>6</sup> *Oil for Food Basic Facts* 1. ([www.un.org/depts/oip/latest/basfact\\_000610.html](http://www.un.org/depts/oip/latest/basfact_000610.html))
- <sup>7</sup> *Oil for Food Basic Facts* 1. ([www.un.org/Depts/oip/backgroundindex.html](http://www.un.org/Depts/oip/backgroundindex.html))
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- <sup>10</sup> Benon V. Sevan, *Statement by Executive Director of the Office of the Iraq Program* (New York, NY: United Nations Office of the Iraq Programme, July 29, 2000) 1.
- <sup>11</sup> Anthony H. Cordesman, *Living with Saddam: Reshaping US Strategy in the Middle East* (Washington, DC: Center for Strategy & International Studies, March 25, 1998) 18.
- <sup>12</sup> Kofi A. Anan, *UN Secretary General's Statement to the Security Council on the Humanitarian Situation in Iraq* (New York, NY: United Nations Office of the Iraq Programme, October 2000).
- <sup>13</sup> *Iraq Surveys Show 'Humanitarian Emergency'* (New York, NY: UNICEF Newsline, April 1999). ([www.unicef.org/newsline/99pr29](http://www.unicef.org/newsline/99pr29))
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- <sup>15</sup> *Results of the 1999 Iraq Child and Maternal, Mortality Surveys* (New York, NY: UNICEF Report, April 1999).
- <sup>16</sup> Denis J. Halliday, *Statement for Congressional Briefing* (Washington, DC: Voices in the Wilderness, May 3, 2000) 1-5. ([www.nonviolence.org/vitw/Halliday%20Cong](http://www.nonviolence.org/vitw/Halliday%20Cong))
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- <sup>18</sup> United Nations Children's Fund, *Results of the 1999 Iraq Child and Maternal Mortality Surveys*. UNICEF: August 1999 ([www.unicef.org/reseval/iraqr](http://www.unicef.org/reseval/iraqr))
- <sup>19</sup> Ramsbotham 225.
- <sup>20</sup> Ramsbotham 81.
- <sup>21</sup> Anthony Cordesman, *Living with Saddam – Reshaping US Strategy in the Middle East*, Testimony to the Senate Armed Services Committee (Washington, DC: Center for Strategic & International Studies, March 1998) 16.
- <sup>22</sup> Cordesman, *Living with Saddam* 19.
- <sup>23</sup> Melinda Edwards, LTC, USAF, Personal Interview (Tampa, FL: MacDill AFB, December 17, 2000).
- <sup>24</sup> Anthony H. Cordesman and Ahmed Hashim, *Iraq: Sanctions and Beyond* (Washington, DC: Center for Strategic & International Studies Middle East Assessment, February 1996) 63.
- <sup>25</sup> F. Gregory Gause III, *Getting it Backward on Iraq* (Washington, DC: Foreign Affairs, May/June 1999) 57.
- <sup>26</sup> Gause 57.
- <sup>27</sup> Russell F. Weigley, *The American Way of War: A History of the US Military Strategy and Policy* (Philadelphia, PA: Snell Publishers, July 23, 1973) 96.
- <sup>28</sup> Anthony C. Zinni, General, *A Commander's Reflection* (Annapolis, MD: Naval Institute Proceedings, March 2000) 6.
- <sup>29</sup> Cordesman and Hashim, 66.
- <sup>30</sup> *Saddam Hussein's Iraq* 22.
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- <sup>32</sup> Ramsbotham 226-227.
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- <sup>34</sup> Kevin Whitelaw and Warren Strobel, Personal Interview (Washington, DC: U.S. News and World Report Building, November 15, 2000)
- <sup>35</sup> John and Karl Mueller, *Sanctions of Mass Destruction* (Washington, DC: Foreign Affairs, May/June 1999) 51.

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- <sup>38</sup> Richard N. Nass, *Economic Sanctions: Too Much of a Bad Thing* (Washington, DC: Brookings Institute #34, June 1998) 6.
- <sup>39</sup> Nass 7.
- <sup>40</sup> Denis Halliday, *Iraq and UN Weapons of Mass Destruction* (Philadelphia, PA: Current History, February 1999) 65.
- <sup>41</sup> Halliday, *Iraq and UN Weapons of Mass Destruction* 65.
- <sup>42</sup> Halliday, *Statement for Congressional Briefing* 2.
- <sup>43</sup> Halliday, *UN Weapons of Mass Destruction* 65.
- <sup>44</sup> Ramsbotham 70.
- <sup>45</sup> Ramsbotham 71. (UNSCR 688, April 1991, paragraph 3)
- <sup>46</sup> It can be argued that the Oil for Food program isn't truly a humanitarian intervention effort at all. As stated earlier, 30% of the proceeds from the sale of oil under the program goes to the UN Compensation Commission for war reparations (recently reduced to 25%). Actually, only 59% is allocated to Baghdad-controlled Iraq.
- <sup>47</sup> *Children's Fund Survey* (New York, NY: UNICEF August 1999) (Reference # CF/DOC/PR/1999/29)
- <sup>48</sup> Anna Segall, *Economic Sanctions: Legal and Policy Constraints* (Geneva, Switzerland: International Review of the Red Cross, No 836, December 31, 1991) 766.
- <sup>49</sup> Segall 765.
- <sup>50</sup> *Saddam Hussein's Iraq* 3.
- <sup>51</sup> William Rugh, *Time to Modify Our Gulf Policy* (Malden, MA: Journal - Middle East Policy, Volume V, Number 1, Jan 1997) 3.
- <sup>52</sup> John Lancaster, *Powell's Change of Heart* (Washington, DC: Washington Post Newspaper, December 21, 2000, A13).
- <sup>53</sup> Warren Strobel and Kevin Whitelaw, *The Trap That Suits Saddam – and the US* (Washington, DC: Washington Post Newspaper, September 2000) B2.
- <sup>54</sup> Scott Ritter, *Statement for Congressional Briefing* (Washington, DC: Voices in the Wilderness, May 3, 2000 Congressional Brief) 2.
- <sup>55</sup> Ritter 3.
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- <sup>59</sup> David Isenberg, *Imperial Overwatch – Washington's Dubious Strategy to Overthrow Saddam Hussein* (Washington, DC: Cato Institute, November 17, 1990) 2.
- <sup>60</sup> Ken Silverstein, *Crazy About Hussein: Through the So-Called Iraq Liberation Act, US Hopes to Fuel an Uprising* (Washington, DC: The Nations Institute, May 10, 1999) 19.
- <sup>61</sup> Ritter 1.
- <sup>62</sup> Cordesman, *Proliferation in Iran and Iraq, Is There an Answer?* 7.
- <sup>63</sup> See Center for Strategy & International Studies Articles by Anthony Cordesman: *Living with Saddam: Reshaping US Strategy in the Middle East*, March 25, 1998; *Proliferation in Iraq and Iraq, Is There an Answer?*, March 2000; and *US Policy, the Southern Gulf States and the Changing Strategic Balance in the Gulf*, March 1998.
- <sup>64</sup> Anthony Cordesman, *Living with Saddam: Reshaping US Strategy in the Middle East* (Washington, DC: Center for Strategy & International Studies, March 25, 1998) 2.
- <sup>65</sup> Cordesman, *Living with Saddam* 3.
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- <sup>68</sup> Cordesman, *Living with Saddam* 20.
- <sup>69</sup> Cordesman, *Proliferation in Iran and Iraq, Is There an Answer?* 8.
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- <sup>74</sup> Cordesman, *Living with Saddam* 22.

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<sup>75</sup> Anthony Cordesman, *Time to Modify Our Gulf Policy* (Washington, DC: Center for Strategic & International Studies - Middle East Policy Council, 1997) 6.

<sup>76</sup> Lawrence E. Pope, Former Ambassador to Chad, Personal Interview (South Portland, ME, November 19, 2000)

<sup>77</sup> Samantha Powers and Graham Allison, *Realizing Human Rights* (New York, NY: St. Martin's Press, 2000) 292.

<sup>78</sup> Anthony Cordesman, *Sanctions and Beyond* (Boulder, CO: Westview Press, 1997) 4.

<sup>79</sup> Geoff Simons, *The Scourging of Iraq: Sanctions, Law and Natural Justice* (New York, NY: St. Martins Press Inc., 1998) 227.

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